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HANSARD'S
PARLIAMENTARY
DEBATES:

FORMING A CONTINUATION OF
" THE PARLIAMENTARY HISTORY OF ENGLAND,
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF WILLIAM IV.

VOL. II.

COMPRISING THE PERIOD FROM
THE TWENTY-FIRST DAY OF DECEMBER, 1830,
TO
THE THIRD DAY OF MARCH, 1831.

Second Volume of the Session.

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1831.



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HANSARD'S

Parliamentary Debates

*During the FIRST SESSION of the NINTH PARLIAMENT of
the United Kingdom of GREAT BRITAIN and IRELAND,
appointed to meet at Westminster, 26th October, 1830,
in the First Year of the Reign of His Majesty*

WILLIAM THE FOURTH.

Second Volume of the Session

1830—31.

HOUSE OF LORDS,

Tuesday, Dec. 21, 1830.

MINUTES.] Bills. The Consolidated Fund Bill was brought up from the Commons. The Patents' Continuation Bill went through a Committee.

Lord TREYNHAM gave notice, that he would, on February 15th, bring in a Bill to authorise a Commutation of the Tithe on Hops.

Petitions presented. By Earl GREY, from Taunton, against the Assessed Taxes; from Rathdown, in Ireland, against the Grants to the Kildare-street Society; from Kingbridge, against the Duty on Coals carried Coastwise; from several places in Scotland, against the system of Burgh Election; and from an individual named Michael Sellers, against the Irish Bankrupt Laws. By the Earl of ROSSLYN, from Cupar, against Colonial Slavery. By Lord MELBOURNE, from George Gunning, praying for the abolition of the Poor-laws; and from Poole, praying for Parliamentary Reform. By Lord FARNHAM, from Alexander Barrett, for a Duty on imported Cotton; and from Sligo, against Colonial Slavery. By Earl STANHOPE, from Spalding, in Lincolnshire, for a repeal of the Duty upon Coals carried Coastwise; and from the journeymen Paper-makers of Somerset, praying that Machinery used in the business of making paper, might be subjected to a Tax. By the Marquis of LANSDOWN, from Dysart, from the Incorporated Trades of Aberdeen, from the Inhabitants of Glasgow, from the Town Council of Glasgow, from the Incorporated Trades of Craig, from Stirling, and from other places in Scotland, in favour of Reform; from St. Nicholas, Galway, and from Kilkenny, against the Grants to the Kildare-street Society; and from the Jews of Liverpool, praying for a removal of the Disabilities affecting them; from Ardagh, praying for Employment at Public Works; and several Petitions from Scotland, against Slavery.

FRAUDS UPON CREDITORS BILL.]

Lord Wynford said, that he should preface the Bill he was about to introduce,

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by a very few observations. It was a Bill for the better prevention of Frauds by Debtors lying in prison or absconding. He always thought, that it was poor satisfaction to a creditor, to imprison the person of his debtor; but as it was still resorted to, and as the practice still remained part of the law of the land, it only remained for him to suggest the best modification of it that circumstances permitted. The late Sir S. Romilly made a great effort to rid the country of a piece of legislation which reflected no credit upon the country. That distinguished individual failed in his attempt at improvement, and after such a failure, he (Lord W.) could scarcely hope for success, if he attempted to carry a measure similar to that which he introduced. Sir Samuel Romilly proposed to extend writs of execution, which might embrace real property, as well as other descriptions of property; but he thought that the same object might be attained by a different process. In the prisons of the King's Bench and Fleet, persons confined for debt, if they gave security to the proper officers, were, it was well known, allowed to reside within what were called the "Rules," in which they could be supplied with every luxury, and from which they might wander with impunity; for an action to recover of the

Marshal could not lie, if the prisoner should return into the Rules during a certain progress of the proceedings. Hence it was the practice of prisoners to leave the Rules after the offices were shnt, and having enjoyed the amusements of London, they returned before the offices were open the next day. When he had had the honour of being Chief Justice of the Common Pleas, an action had been tried, which had arisen out of the fraud of four persons taking as many houses in different parts of London, and procuring goods, by giving references to each other; and whilst this fraud was in practice, each of the parties was a prisoner within the rules of the King's Bench prison. In the reign of George 2nd, an Act had been passed, to compel debtors to give up their property to creditors, and allowing Courts to extend their inquiries into the property of debtors; but this Act extended only to debts of 100*l.*, and he would now wish to apply the provisions of that Act to debts of any amount. By this means he believed that the prisons would be relieved of a great number of persons who lived in them in a state of idleness and luxury, whilst their creditors were suffering distress. Other debtors escaped the just settlement of their bills by going abroad, until there was a sort of an English colony of debtors upon the other side of the Channel. He did not think this creditable to England, but there was no way of getting at these persons, and thus they might enjoy out of England an income of which they had deprived others. If a Writ of Outlawry were issued against them, it was only necessary to declare that they were out of the kingdom, and the writ was reversed. He knew that before the reversal of the outlawry actually took place, the Judge was empowered to require bail for the appearance of the debtor. It was provided by an Act of Elizabeth, in whose reign many good laws were passed, that, in order to perfect an outlawry, there must be a proclamation if it were defective, in order that the debtor might apply to set aside the debt; but in those cases where the outlawry was complete, the debtor ought to be compelled to give bail for the full satisfaction of the debt and costs, or else be subjected to all the pains and penalties necessarily attendant upon a proceeding of outlawry. He would apply the Statute of Elizabeth to the cases he had alluded to, and one of the alterations which he meant to introduce was, to

deprive debtors of the power of coming in to reverse their outlawries, on the ground of their not having been within the four seas at the time of such Writs of Outlawry being issued. In the next case, he would deprive all debtors of their real property during their lives, and in case of outlawry, their tenants should be made to pay their rents into Court, so that the Judges might distribute them among the creditors who had established their claims. He did not mean to propose in cases of outlawry that real property should be forfeited, but personal property, as was at present the case in an outlawry for a civil action. While it was quite right that those who had got into debt should suffer, he did not mean to extend the law so as to affect their heirs. He admitted the expediency of reaching life interests, but he saw no reason why inheritances should be made more subject to creditors than at present: all that he thought the interest of the creditors demanded was, that the property of the debtor during his life should be made available for the purposes of justice. At present debtors were not reached by the law. He happened to know, that the town of Boulogne, for instance, was filled by debtors, who were living in an expensive style, by having their rents sent over to them, notwithstanding the claims of their creditors. These were the principal objects of his Bill, and he should now move for leave to bring in a Bill for the better preventing of frauds upon creditors by persons living in prisons or absconding.—The Bill read a first time.

HOUSE OF COMMONS,

Tuesday, Dec. 21.

MINUTES.] Bills. The Judgment and Execution Bill was read a third time and passed.

Returns ordered. On the Motion of Mr. KENNEDY, an account of the Emoluments of the Office of Keeper of the Signet in Scotland, for the last ten years, as well as of their application:—On the Motion of Mr. HUME, Copies of the Patents granting the Office of Keeper of the Signet and Keeper of the Sasines in Scotland; a Copy of the original Patent by which Mr. Sullivan had been appointed Provost Marshal of the Island of Jamaica:—On the Motion of Mr. WILKS, an account of the number of Houses in each City and Borough in England now returning Members to Parliament; also, an account of the number of Houses in each City and Borough not returning Members, where the population exceeds 10,000; also, an account of the Return of the number of Houses in each County of England, Scotland, and Wales, distinguishing the rates of assessment on each:—On the Motion of Lord G. BENTINCK, the number of Suits entered in the Courts of Requests of Middlesex and Surrey, in the years 1828 and 1829, for one pound, and for more than one pound, and the number of cases in these in which imprisonment had been awarded and executed, together with a table of

the fees:—On the Motion of Sir J. GRAHAM, the Salaries and Emoluments received by persons in the Foreign Department of the General Post-office in London, from 1821 to 1829:—On the Motion of Colonel SIBTHORP, the number of Auction Licenses granted from the 5th January, 1819, to the 5th January, 1851, with the amount of Duty paid upon them:—On the Motion of Mr. ATTWOOD, the number of Persons committed to the different Bridewells in England and Wales on summary process, during each of the last sixteen years; account of the number of Bank Notes in circulation on the 25th of May, August, and November, 1830, distinguishing the Bills and Notes of Five Pounds from the rest; the Bank Post Bills and Notes issued by the Bank of England, made up from the Weekly Return furnished to the Stamp Office, according to the provisions of the Act of Parliament; the quantity of Gold, in pounds weight, carried into the Mint in 1828 and 1829; the quantity of Coin made therefrom; the names of those for whom and at whose expense it had been coined; together with the amount of money paid on account of the assaying, the loss, and the coinage:—On the Motion of Mr. PUSEY, account, regularly drawn up, of the Public Expenditure in the years 1827, 1828, 1829, and 1830, together with the Ways and Means for meeting the same.

Petitions presented. By Mr. GREENE, from Stockport, against the Truck-System. By Mr. HUME, from Bristol and its vicinity, for an effectual Reform in the inferior Courts of Law throughout the Kingdom; for Parliamentary Reform, from the Royal Burgh of Montrose, from persons employed in the Kirkaldy works in the County of Fife; from the Merchants'-house of Glasgow; from the Inhabitants of Auchtermuchty; and from the Incorporated Trades of the Royal Burgh of Banff:—By Sir J. GRAHAM, from the Incorporation of Maltmen, Leith; and from Parishes in Lanark. For the abolition of Slavery, by Mr. WILKS, from Boston, and several other places:—By Mr. FOLEY, from Ashley:—By Mr. CURTEIS, from Brighton, and several other places in Sussex:—By Sir J. GRAHAM, from several places in Cumberland and Scotland:—By Mr. WATSON, from Dissenters at Canterbury. By Mr. S. LUMLEY, from Mansfield, for a repeal of the Assessed Taxes. By Mr. D. BROWNE, from a Parish in Mayo, and other places, against further Grants to the Kildare-street Society. By Colonel O'GRADY, from the Tailors of Limerick, for a Repeal of the Union. For a Repeal of the Duty on Sea-borne Coal, by Colonel TALBOT, from Swansea:—By Sir J. GRAHAM, from the Ship-owners of Workington:—By Mr. WATSON, from Canterbury. By Mr. BRISCOE, from the Inhabitants of Lambeth, against the mode of appointing and paying the New Police. By Mr. DICK, from the Rev. Sir Harcourt Lees, against the repeal of the Oath of Abjuration. For the more easy recovery of Small Debts, by Sir J. GRAHAM, from Cockermouth.

RYE ELECTION.] Mr. *Cradock* presented a petition from the inhabitants of the town of Rye, entreating the attention of the House to the conduct of their returning officer. The petitioners stated, that he had acted, at the late election, contrary to a recent decision of a Committee of that House; and he was of opinion that subordinate officers, who were thus guilty of a dereliction of their duty, deserved to be visited with severe punishment.

The *Speaker* observed, that if this were an election petition, it could not be received, as the time had gone by. The hon. Member must be aware, that in the last Session of the last Parliament, certain parties presented a petition against the then return, involving the right of

election, on which a Committee of that House had decided; and, according to that decision, persons were placed upon the poll which had the effect of changing the appropriation of the seat. By the law of the land, that decision was to be sent down to the borough, and the voters had a right to take six months to appeal against the report so made by the Committee. They had appealed; but until the six months had expired, that appeal could not be considered. In the interim that Parliament was dissolved. The appeal was heard, and they knew the result. A new election had, however, taken place at Rye; and some parties who were dissatisfied had petitioned against it; but that second petition had not been yet heard. He now asked, whether the present petition complained that the returning officer did not admit those votes on which a Committee had formerly decided? whether this petition was founded on the same circumstances as were contained in the petition against the return? If the hon. Member answered in the affirmative, the House would require no farther proof that this was an election petition, and could not be received.

Mr. *Cradock* said, he had not seen the petition to which the *Speaker* adverted.

The *Speaker* said, the duty of a Committee appointed under the Act of Parliament was not only to try the right of a person elected to his seat, but also the conduct of the returning officer. He then read an extract from the petition already presented, from which it appeared, that the conduct of the returning officer was complained of.

Petition withdrawn.

PARLIAMENTARY REFORM—MIDDLESEX PETITION.] Mr. *Hume* presented a Petition from the county of Middlesex, praying for Retrenchment and Economy, for a general Reform, and for the Vote by Ballot. The petitioners also prayed for a reform in the Poor-laws, and in the present mode of collecting Tithes; but they stated, that they did not expect that any effectual remedy would be applied to the evils of the country, unless a thorough reform in Parliament should be accomplished, and the right of election given to every individual paying rates and taxes. But they conceived that no extension of the elective franchise would be beneficial, unless the mode of voting by ballot should

be adopted. In these opinions the hon. Member fully concurred; as well as in another resolution which the meeting from which the petition proceeded came to; namely, that it was impolitic to make any addition to the Army; and that the abolition of the Corn-laws, and reduction in the expenditure, were more likely than military force to appease the general discontent of the country. He thought that one of the greatest mistakes the present Ministry could have fallen into, was to increase the Army. The Army, instead of being increased, ought to be reduced by 30,000 or 40,000 men.

Sir G. Warrender concurred in the prayer of the petition as far as regarded retrenchment and economy, and if the Government only persevered in measures of economy, they would gain the support of the country. He had the fullest confidence that they would redeem the pledges they had given on that point; and he said that, because he deprecated the advice which had lately been given them from the other (the Opposition) side of the House. He had observed symptoms in that House of late, which made him think that, at no distant period, Ministers would be obliged to appeal to the opinion of the people. But they had only to persevere in measures of economy to secure the sympathy of the loyal but distressed inhabitants of the country. He did not concur in the opinion expressed by the petitioners, that it was impolitic to add to the numbers of the army. The first duty of every Government was, to put down sedition and uphold the laws, and he, for one, should always be ready to vote any amount of military force necessary for that purpose. To reform he had always hitherto been opposed, and unless he heard some better reasons adduced in its favour, his opinion would remain unchanged. It was curious to observe the resemblance between former periods of our history and the present period. The overthrow of the Administration of Sir Robert Walpole in 1742, was the result of the first vote of a Parliament which had just come from the people, and since that time he knew of no similar event till the present Session of Parliament. In 1742, as at present, there was a cry for reform, and Lord Percival, who was then member for Westminster, thus described the public proceedings:—"Meanwhile a prodigious ferment appeared

throughout the nation; and the popular clamours for reform were no less violent than discordant. Some were for triennial Parliaments, which all who did not delight in riot, or in the prospect of corruption, thought both dangerous and dubious; some were for annual Parliaments, some for a reduction of the Civil List, which others thought unjust to take away, having been legally given; some for abolishing all employments; others for allowing a few; some for making the Army independent; others for no regular troops at all." He did not believe that the feeling in favour of reform was so universal as some hon. Members would have the House to suppose; and when the petition from the city of Edinburgh, in favour of reform, should be presented to the House, he would take that opportunity of showing, that the majority of the people of education and property in that place, were hostile to reform. The example afforded by the late election at Liverpool was not calculated to convince him, that purity of election would be obtained by the extension of the elective franchise. Neither did he look with satisfaction at what had occurred at Preston, where a member of a family which had served the country for ages, and whose acts were mixed with past recollections, had been deprived of his seat; and that member, too, a gentleman remarkable for an early display of ability in that House, and the zealous defender of civil and religious liberty. That event had not weakened his conviction against reform, and he, for one, expected no good from a reformed Parliament.

Mr. Warburton was not surprised that the hon. Member, an opponent of reform, was in favour of maintaining a large standing army; because, if the people did not have reform granted them they must be governed by the bayonet. The hon. Member had said, that the late proceedings at Liverpool had brought him to the conclusion, that the mere numbers of the voters would not secure purity of election. In that opinion he agreed with the hon. Member, and the ballot was the only security, in his opinion, against such misconduct as had been exhibited by the electors of Liverpool. With respect to the election at Preston, he was sorry that a very distinguished Gentleman, a member of his Majesty's Government, had not succeeded there. But his defeat was owing to his having answered in the

negative to two questions which were put to him on the hustings. Those two questions were—whether he would support the vote by ballot, and the repeal of the Corn-laws; and he replied, that he could not conscientiously advance those objects. Now, whatever opinion he (Mr. Warburton) might have of the gentleman who had succeeded, he did think that the electors of Preston had done themselves signal honour, and shown great independence, by acting as they had done. With respect to the petition, he had been requested to give it his support in the House, and he did so with the greatest pleasure; and as a proof of the good feeling that pervaded the meeting, he might mention, that when his hon. friend (Mr. Hume) had stated, with regard to the Church, that he did not seek its spoliation, but only a commutation of its revenue, the sentiment was received with general applause. At this meeting the feeling as to the necessity of reform was universal, though there might be some difference of opinion on subordinate points. Reform was not a new question; for Mr. Pitt, as every body knew, was a reformer, and he was prepared to bring in a bill to buy up the rotten boroughs. Such a bill, he knew, was actually prepared, and the pleasure of Mr. Pitt taken on it, but meeting opposition, and he growing lukewarm, it was dropped.

Mr. Tennyson expressed his surprise at hearing the opinions which fell from the right hon. Baronet respecting reform. He believed that the desire for reform pervaded all places, and he believed that a full, efficient, and complete reform must take place. That was necessary for the salvation of our institutions, and to give contentment to the people. He had of late mingled much with the people of all classes, and he was sure that such was the universal sentiment. Amongst the great majority of the well-informed classes at present, the only apprehension was, that reform would be too long delayed, and would not go far enough. That was the opinion and the apprehension of the upper classes as well as the middle classes. At the numerous public meetings which had lately taken place, not one person had proposed to make any amendment to a Resolution for Reform: and whenever the opposite question had been mooted the speaker had not been listened to. He did not believe that any person could be found to vote against reform except such persons

as those noble Lords who could command as many votes as were possessed by the Representatives of five counties.

Mr. Guest said, that he could not concur in the statement made by the right hon. Baronet (Sir G. Warrender), that the people were not generally in favour of reform. In his opinion, 19-20ths of the thinking part of the community were in favour of reform, though they might not all be prepared to go the same length.

Sir R. Wilson agreed with the petition as far as reform and economy were concerned, but he disagreed with the petition, and with the hon. member for Bridport on the subject of ballot. He had on a former occasion expressed his opinion on this subject, and he did not like to sit silent, lest the hon. Member should suppose, that his arguments might have influenced him to change his opinions. He had before referred to America, and some other States, where the ballot was in existence, and had shown that it had not answered expectations there. He had since received a letter from a person of the highest respectability, who had been informed by a merchant of America, "That America had experienced the greatest evils from the election by ballot; there was a general impression in that country that it would be found necessary to abolish it altogether, and he expected that a measure would soon be proposed to effect it." In Virginia, which contained upwards of a million voters, a Convention had lately met to consider what changes it was necessary to make in the existing institutions, including the Legislature, and in that Convention it was proposed to adopt the ballot, but that proposition was completely rejected, on the ground that the Representative ought to know the opinions, and communicate with the persons who send him to the Senate. It was requisite that the Representative should know the opinions of those who delegated their power to him; he ought to know all their opinions, and he could not do this if they voted by ballot. He should know the feelings of the different parties among the electors. In America it was found necessary, both for the well-being of individuals, and from regard to public opinion, that the votes should be publicly known. The ballot existed too in Sweden; what was the consequence? The Diet was divided into two parties, the French and the Russians, the former being called Hats, the latter Caps,

A struggle took place for the ascendancy, and much bribery was used, but it was soon found out, that most of the members accepted bribes from both, which led to an arrangement, that no man should receive anything who did not carry his ballot-ball in his hand, to signify for which party he voted. Secret voting, he believed, never would satisfy the people. He further objected to the ballot, that it did not necessarily preserve that secrecy which was said to be its great merit. He knew that the question was gaining in favour with the people, owing to the example of France; but it ought to be recollected, that in France there were only 80,000 voters, and in France it was of great use in protecting the voters against the power of the government. But, as the ballot existed in France, would Members wish to have it here? Would the hon. member for Middlesex have the House of Commons vote by ballot, as the Chamber of Deputies voted? Would the hon. Member be contented that his vote should be unknown? Would he like to have to say, "Oh! I assure you I voted for that question;" instead of seeing his name in those printed lists that were now circulated? It was not a system which could be applied to that House, and was therefore plainly imperfect. It was a new-fangled passion of a certain class of *doctrinaires*, who imagined that they had found out in the nineteenth century a remedy for all abuses. If it were introduced into that House, it would overthrow the monarchy, and to such a proceeding he would be no party. He was born under a monarchy, and so he wished the country to remain, and he should always oppose the introduction of the ballot.

Mr. *Hobhouse* thought the arguments of the gallant General did not proceed from reason, and were not addressed to reason. It would be more useful to appeal to what had been done in America, than to what an individual said the Americans were going to do. In the United States, at the first beginning of their independence, open voting had been universally adopted ["*No*" from Sir R. Wilson]. Afterwards, alterations were successively made in the institutions of that country, the vote by ballot was generally introduced. In the State of New York, that was not intended to be a permanent enactment; but after it had been for some time tried, when the time came to re-model the Constitution, the plan of voting by ballot was preserved,

and had been continued to this day as most expedient and useful, and was at present employed at all kinds of elections. France, to which the gallant General had also referred—France, that "bad example," as it had been called, would not give much support to his argument. The paucity of the number of votes, to which the gallant General had referred, was the very fact which made that example so very precious. If the government had been unable, with 14,000 places under the Crown—with electors only amounting to 78,000—to intimidate the electors; if 60,000 of those electors, from possessing places, or from that still more influential cause the expectation of possession, might have been under the control of the Crown; if, under such circumstances, France had been able to achieve its freedom, her disposition to employ the ballot, and the disposition of other nations to adopt it, must have been strengthened by that glorious result which had given freedom and strength, not only to France, but to all Europe. Supposing that France had had no ballot, could the electors have dared to vote as they did? It was one of the charges against the unfortunate men who were now put upon their trial in Paris, that they had violated the secrecy of the ballot, and there could be no doubt that they had. France, however, by that simple contrivance, the ballot had secured her own freedom. In England there were more electors than in France, and more of them were liable to be influenced than of the 80,000. The 80,000 electors in France possessed at least one quality which was not possessed by all the electors of England—they were all men of independent property. In this country only few of the electors, comparatively were independent in that sense; they were not persons of property, and for such voters there was no other protection or security but the vote by ballot. If it were not secret, as the hon. and gallant General contended, then it was not the ballot, but some imperfect imitation of it, for secrecy was essential to the ballot. He knew that at the India-house the ballot was not secret; the voters made a merit of telling how they voted. To that he had no objection. If people liked to tell their votes he would allow them to do so; but if they did not like to tell how they voted, then he would have them protected, and the ballot would protect them. The gallant

General asked, if the hon. member for Middlesex would like the ballot applied to the House of Commons—if he desired secret voting for the Members of that House? He would answer, certainly not. There was a wide distinction between the cases which the gallant General could not possibly overlook. The House of Commons, representing the people, appealed to public opinion; it depended on that, and therefore the votes of its Members should be given openly. They ought to be subject to the influence of public opinion, but the voters ought not to be subject to undue influence; and to guard against that the ballot was useful. This was not his argument, at least he did not state it for the first time—he drew it from the works of that profound philosopher, whose writings displayed more acumen, he believed, than those of any other author of the day—he meant the celebrated historian of India, Mr. Mill. The arguments of the gallant General showed, that he was not yet acquainted with the elements of the question. He complained of the ballot system encouraging guile and baseness. Did not the present system also beget perfidy and baseness? Was there nothing in it to make men ashamed? Was there no room in it for the exercise of tyranny? Was there no guile—no perfidy—no baseness, in a man going to the hustings, and there telling, and there acting, if he might say so, a lie, by giving a vote to a man whom he did not wish to vote for—by giving his vote against his conscience, and what he thought was for the public good? Was there in that no perfidy to the voter himself and his country? There was much perfidy—much guile; and that was the cause of the corruption which disgraced the House of Commons, and which had reduced the country to that state, out of which the new Government was called upon to extricate it. As to what the right hon. Baronet had said last evening about the demands of the people, he did not believe that in those demands there would be any excess. There might be a difference as to terms; but there was now a plain necessity to do what the people wished. It was not possible to stop short, and he believed that they would not be contented with anything short of the ballot. He would not then say whether they were correct or not in forming those wishes, but it would not be denied, that the opinion in favour of the ballot was making great progress. In

fact, it had made more progress in public acceptance, within a comparatively brief period, than had ever been gained before in the same space of time by a mere theoretical opinion. The reason of this was, its extreme simplicity: it was like the egg of Columbus, which could not be made to stand until the principle was discovered, but was so easy of accomplishment when attempted, that the elucidation excited surprise that such a mystery had so long evaded conjecture. If a better protection to the elector could be substituted, he was quite ready to abandon the theory; but he did not believe that possible, and he knew that under our present circumstances, no better protection for the electors than the ballot could be found. He wondered the gallant General, who must know something of popular elections, had not found out what a protection it would be for voters. He himself knew something of popular elections; when he formerly had gone to canvass the electors of Westminster for the hon. Baronet of whom he was then the colleague, he had more than once been met with the question, “Do you want me to ruin my family? I would willingly vote for the Baronet—I am friendly to reform; but I dare not vote as I wish.” More than once had he seen people shed tears. It was not only against the rich that the ballot would be useful, but neighbours and employers exercised the power which an election gave them, to compel the people to vote as they liked. That consideration alone would make him vote for the ballot, and he would venture to say, that ere long the gallant General would be as sensible as he was of those evils, and as ready as he was to support reform by the ballot. The obsolete distinctions of Whig and Tory had now been superseded by those of reformers and anti-reformers; a few borough-mongers constituted the latter, and the former consisted of the great body of the nation. Parties had completely changed, for when the Walpole Administration was broken up, as had been mentioned by the hon. Baronet, the Tories were reformers. Now the anti-reformers were all to be found in their ranks, though even all those who still called themselves Tories, were not anti-reformers. The question of reform, however, was now in the hands of Ministers, and there he wished it left, not calling on the Government to explain its plan, or embarrassing it by opposition.

Let the Ministers only speak out fairly, and if the country did not agree with their opinions, they would soon hear of the disagreement in such a manner as honest Ministers should hear. The country expected relief; and expected it from the hands of the Ministers. Reform must be given; the Ministers were pledged to reform. The general opinion of the country was in favour of reform; and if the Ministers acted on that principle, they would be supported by every intelligent man in the country. As long as their opponents—the members of the late Government—continued to be opposed to reform, he was sure that every man in the country would exert himself to keep them out of place; for the country would look on their return to office as one of the greatest curses which could befall it. No man, nor set of men, could now carry on the Government by any middle course. The country could not any longer be governed by a corrupt Parliament; and if the Parliament were not reformed, it could not be governed at all. The people would no longer bear the present state of the representation. If the right hon. Gentlemen below him [*Mr. Hobhouse sat on the Opposition side of the House*] believed that they could govern the country by any new system—if they did show any disposition to try again their corrupt system, they might make some sacrifices—but they would find that they could not succeed, and that it was too late for their plan. They must either have recourse to pure despotism, or they must go with the people. There was no middle course. They might try to have recourse to their old system; but they would never afterwards repeat the lesson, as they would find that the people would not listen to their voice. He agreed with the petition as far as it demanded an effectual reform, and the institution by ballot, and gave it his cordial support, though there were some minor points on which there might be a difference of opinion.

Mr. D. W. Harvey declared, that when he was convinced that the feelings of the great body of the people were as much in favour of ballot as they were in favour of reform, he, for one, should never oppose it by his vote. When it could be shown to him that the respectable body he represented were friendly to the ballot, he would yield his individual opinion to the general opinion. He regretted,

however, to find that other Gentlemen, whose motives he respected, and whose zeal he honoured, should find in the ballot a remedy for all things, and a reform no remedy at all. This was, he thought, an ungenerous sentiment, and it was telling the people—for what was spoken in that House got abroad—it was telling the people, that it was of little importance in the opinion of those Gentlemen that Ministers meant to propose reform; and it was deceiving the public mind from a due and calm consideration of that reform which Ministers meant to propose. The advocates of the ballot seemed to him to fall into error. They had alluded to Liverpool; but did they suppose that after the reform, the election of Liverpool would be in the hands of the same class of persons as at present? Would it be so equally balanced by parties, that a little knot of ten or fifteen voters should at the end turn the scale? Would it be so balanced that a corrupt body should make up a tally in the street, and that an attorney and an elector should say, “I can bring them up, but I must name my own price.” In all plans of reform that he had heard of, the elections would not be left in such hands. He relied much on the circumstance, that the character of the electors would be improved by any plan of reform, and though he would not vote for the extinction of any one elector, he trusted that no person in possession of property would be excluded from voting, whenever a reform should take place. Was it to be supposed, that when all the respectable and opulent inhabitants of Liverpool, containing 140,000 people, had a share in the representation, that such disgraceful scenes would occur as at the late election? If it were true that the Americans were not about to abolish the ballot, that was no reason why we should adopt it. He was surprised at the existence of ballot in a republic, and he thought that with a ballot a republic was incomplete. In a republic the basis of its institutions was public purity, in it patriotism was virtue, and with both these the principle of secret voting was inconsistent. A Reform would extinguish the influence which now corrupted the elections. A reform would sweep away those places to obtain which electors were corrupted. Great and little men, landlords and tenants, masters and servants, employers and tradesmen, would have but one interest—

that of good government; and secrecy would not be necessary to induce them all to follow one interest. He would not, however, go further into the subject, though he must say, he did not consider the arguments of that celebrated Essay, by Mr. Mill, to be impregnable; and he should be ready when the question was discussed, to explain his views. If Gentlemen thought Reform incomplete without ballot, they would be better able to obtain the ballot after the Parliament was reformed according to the plan of Ministers, than while it was in its present state. If after their plan of Reform were brought forward, the public still found themselves under the influence of terror, surely that reformed Parliament would listen to the public voice more readily than when there was no hope of Reform.

Mr. *Calcraft* only rose to express his astonishment at the attack which the hon. member for Westminster had made on the government of the Duke of Wellington, and those who had formed part of the Administration of the Duke of Wellington. The hon. Member had spoken of that Government, as if it had conducted itself only by the principles of corruption, and as if he could not heap upon it too many disgraceful epithets. The hon. Member had stated, that the Duke of Wellington had so governed the country, that if his Administration were again to be placed in office, he must have recourse to a true despotism, because he could not govern by the old means of corruption. The Government of the Duke of Wellington was at first very popular, and it deserved to be so. That Government had repealed the Test and Corporation Acts; it had emancipated the Catholics; it had reduced taxation; and it had carried the principles of economy to a greater extent than he had ever before witnessed. Great credit was due to the Duke of Wellington for his management of the national affairs. He had never before heard, that of all the measures of the Duke of Wellington's Administration, there was not one that was not carried by corruption. He would only beg his hon. friend, if he again made such accusations, not to generalise so much, but to enter into particulars, to point out individuals, and bring forward proofs of his assertions. He wished to ask the hon. member for the county of Middlesex one question: Was it true, as had been stated, that when Mr. Byng, who had represented the

county of Middlesex for twenty-five years, with great credit to himself and he believed great advantage to the country—he wished to ask his hon. friend if it were true, that Mr. Byng was so violently opposed, because he expressed an opinion unfavourable to the ballot, that he was not listened to when he attempted to address the meeting? If that were so, he would only say, it was very harsh treatment for an old public servant.

Sir *John Newport* was sorry to hear his right hon. friend give the Duke of Wellington credit for actions for which none was due. Did the Duke of Wellington begin the repeal of the Test Act? Certainly not; he did not agree to it till he was forced. He admitted, that the Administration of the Duke of Wellington was popular at the outset, but his Administration had ceased to be popular. Why was that? Because the Duke of Wellington had resisted the wishes of the people for Reform. He had ceased to be popular because he had declared that he would resist their wishes. If the present Ministers should resist those wishes,—if they did not gratify those wishes—they would show themselves unfit for the situation they held. The great military achievements of the Duke of Wellington made the people expect much from his civil government, but they were disappointed. His military glory cast a hope over his civil government, which had never been realized. His civil government never deserved any credit, and he believed no military man ever would make a good civil governor.

Mr. *Calcraft* explained, that he had been one of those who had forced the repeal of the Test Act on the Government; but though they had carried the question in that House, they had no hope of carrying it through the other House. That was done by the Duke of Wellington, and therefore he attributed the carrying of it to him.

Mr. *Western* thought the most important point in the petition had not been adverted to. It began by alluding to the very great distress in which the country was now plunged. In his opinion, that was the subject which ought most to attract the attention of the House. The state of the country, however, having been already sufficiently discussed, he should make it his endeavour to point out some of the causes which had brought it into

its present condition. Among these, none had acted more powerfully than the ruinous changes that, within the last ten or twelve years had been made in the currency. He said, "ruinous," because that was the epithet made use of by the petitioners as descriptive of the change to which he alluded, and it certainly was the most appropriate that could have been selected. That these changes would induce the ultimate ruin of the country, he had no doubt. They had already occasioned the ruin of many thousands of the industrious and labouring classes of the people, and a rapid progress was making towards the ultimate ruin of all. The baneful influence of changes in the currency was not confined to one class or to one interest—they affected alike the agriculturist and the manufacturer—the ship-owner and the merchant—the tradesman and the mechanic:—in short, from those who employ the greatest capital, down to the lowest and poorest labourer, the ruinous effect of the last unwise and unjust change in the currency, was felt and condemned. To this, then, more than any other cause, he attributed the present extraordinary situation of this country, in which a people of greater industry, energy, skill, and ability than any other people in the world, were reduced to a state of the extremest and most grievous distress. Well and truly, then, might the change in the currency be termed ruinous and disastrous. The next topic to which the petitioners adverted was that of the Corn-laws; upon which subject a very strong public opinion prevailed. He, for one, however, felt that they were necessary for the protection of the agricultural interests. The petitioners appeared to entertain a different opinion, and expressed their conviction, that it was owing to the operation of the present system of the Corn-laws that wages had been reduced. He, however, was of opinion that if it were not for those laws, wages would have been reduced still lower. The great affliction of the lower orders was low wages,—insufficient wages. From whence did that arise?—From want of means in the employer to pay more, in consequence of the lowness of the prices which he obtained for the produce of his capital. That had compelled the agriculturist and the manufacturer to reduce the amount of wages paid to the labourers; and unless the means of the employer were increased, it was impossible that a

fair or adequate remuneration could be given to the workman for his labour. Let the demand for labour be increased; let the means of the employer be increased, and the rate of wages would be raised. But the change of the currency, and not the Corn-laws was the cause of this want of means, which might be proved to demonstration, if the case were fairly investigated. At the time that the contraction of the currency took place, the distress began, and, as in subsequent years, the currency became more and more contracted, exactly in the same proportion the distress of the country became more and more severe. It was, therefore, the duty of the House to institute an inquiry into the subject, with a view to ascertain how far the distressed condition of the industrious classes had been produced by the operation of the contracted currency, and how far it might be alleviated by a change; and, unless some other hon. Gentleman, more able than he was, would undertake to move for such an inquiry after the holidays, he should feel it to be his duty to take up the subject. It was admitted on all hands, that the change of the currency—the raising of the value of money—must press, to a certain extent upon the industrious classes of the community; and when the people, in many parts of the country were driven to acts of violence and outrage from the pressure of distress, it became the imperative duty of the House to institute an inquiry, for the purpose of ascertaining how far the evil might be remedied. The distressed state of the country was the first consideration which ought to occupy the attention of Parliament after the recess. At present, neither the agriculturist nor the manufacturer obtained any adequate return for the expenditure of his capital; the labourer was not sufficiently remunerated for his toil; and the consequence was, that all classes were discontented, and the country threatened with convulsion. The bonds of society were already rent; and discord, tumult, and outrage had begun their career. Could it be denied, then, that the first attention of Parliament should be directed to this state of things, with a view to avert the greater evils which must ensue if relief were not afforded?

Sir *R. Inglis* said, that as he was not likely to have another opportunity before the holidays, he felt himself called on to express his opinions on a subject which

was at present made the source of considerable excitement in the country—the question of Parliamentary Reform. He believed, and he made the declaration without hesitation, that the sentiments of the great body of the intelligent and well-educated persons in the community were not more favourable to Reform at this moment than at any given period within the memory of man. The multitude—the uneducated and unthinking classes might entertain opinions at the present crisis somewhat differing from those they held six months ago, or from those they would probably hold some six months hence. He did not mean to deny that, from certain peculiar events, the advocates for a Reform in Parliament were just now more in favour with a portion of the people than they had been a short time since, but he looked forward with confidence to the speedy return of a sound and healthy state of public opinion on that question.

Mr. *Bernal* felt strongly inclined to ask the hon. Baronet, the member for the University of Oxford, who the persons were, and in what class they were to be found, whom he denominated the intelligent portion of the community. And he would be glad also to know at what period all classes had so loudly demanded, and were in fact so absolutely clamorous, for a Reform of Parliament. He thought that the intelligence of which the hon. Baronet spoke, was to be found in the middle classes. They were the persons who now demanded a Reform of Parliament; and if the present Ministry did not make up their minds to grant the concessions which were required from them by the universal voice of that class, he saw no prospect of permanency in power for them, nor for any other party which might be called to take the helm of affairs. He was no advocate for what was called radical Reform; but he wished to see the intelligence and the property (if they pleased) of this country fairly and truly represented in Parliament; for as the House was at that moment constituted, no man could say, that intelligence and property were fairly represented.

Mr. *Horace Twiss* said, he could not well understand why the observations of the member for Oxford had been received with a laugh by those who merely entertained a different opinion. It was by no means certain that the feelings of the people were so universally in favour of

Reform as the present Government seemed to suppose. A very short time would, however, enable the House to go into a discussion of that question, and he should reserve himself for that occasion. He would then merely say, that the members of the present Government would be more fortunate than any of their predecessors, or than created man ever had been, if they succeeded in proposing a plan of Reform which would be equally acceptable to every class of reformers. If the whole of that class of persons were to be polled, taking in the advocates of Universal Suffrage, and Vote by Ballot on the one hand, and the most moderate reformer of general existing abuses on the other, he believed a much greater number of the people of this country would be found willing to vote for the continuance of the system as at present, with all its faults, than for any other which could be proposed to them.

Mr. *W. Duncombe* was not disposed to agree with the hon. member for Oxford, that the desire for Reform had not increased. He believed that some Reform was necessary, and that the desire for it had lately made considerable progress in the country. When Ministers brought forward their plan of Reform, he would give it his best consideration; and if he could, consistently with his sense of duty, and without yielding to mere popular clamour, assent to that plan, he would give it his most cordial support.

Mr. *Attwood* did not believe it possible for the Government to go so far as it promised, nor did he believe that even what it professed, could it act up to its professions, would satisfy the people. Their demand for Reform was neither temperate nor moderate. Much as the Ministers were disposed to boast of, and to vaunt their new-born popularity, it rested, in his opinion, on a very slippery foundation, and he was confident they would not long be able to retain possession of the popular confidence. They refused to look into the real cause of the distresses of the people, although they vaunted so much their desire to relieve them. In the petition which was before the House, a prayer was to be found for an alteration of the Corn-laws. He always felt grieved to see the attention of the public diverted in this manner to the discussion of fallacies, because they were diverted from the real cause of the distress, The Corn-laws, so

far from being injurious, had really tended much to diminish the injurious tendency of the interference with the currency. The principal object sought for at the present moment seemed, however, to be Reform—for the Ballot, so loudly demanded, was nothing but a new principle of the old question of Reform. He would just call the attention of the Government to the last passage of the petition now presented. He would desire those who profess themselves determined to float on the popular current, to look to the words of the petition, in which it is declared, that unless a Reform be granted to the extent which, in their wisdom, will be considered sufficient, the refusal will be speedily followed by a popular rebellion, of which England must be the victim. Now, when he saw a Ministry of this country priding itself so much on popular applause, not only in that House, but on the hustings at elections, and in all public and county meetings, he confessed he could not entertain any very sanguine hope of their being long able to satisfy the wishes or the hopes of those whose opinions they thus courted; nor could he entertain any strong opinion of the duration of a power which professed to found itself solely, and rely exclusively on the confidence of the people. He had heard a good deal of the professions of the Government with respect to Reform, and he should like much to hear them state some palpable, tangible alteration which they proposed to make in the system of Representation. He should like to know what sacrifices they proposed to make to popular applause? He should be glad to know to what lengths they were willing to go with those whose favour they sought, and whose opinions they professed to court? What part of the existing institutions of the country they were prepared to sacrifice? At what point they proposed to make their stand against popular innovation? What they proposed to abandon, and at what boundary they were prepared to pause in their career, and brave all the censure of their present admirers, and the full force of opposing public opinion? For a Ministry, resting, as the present did, on popular favour and popular confidence, he considered it most extraordinary, that one of their first—their very first acts, should have been an addition to the standing army, and consequently, to the burthens of the people. In the midst of peace, with no foreign

enemy to fear, with nothing to dread, but the very people for whose support they look, and whose confidence they boast of possessing, they had proposed a large addition to the military force. This was an ominous commencement for those who existed but by the public confidence. The Ministers had, he feared, assumed too rashly that they possessed public confidence; and built too heavily on a popularity which would speedily fail them. Though he did not approve of the policy of the late Ministers, their manly, direct avowal of it was far better than the vague, obscure, and undefined promises made by the present Ministry, merely to catch popularity. Why was it even that they were popular? Because they advocated Reform. Taking advantage of the removal of that which has always been the bulwark against Reform—the great prosperity of the people; for as long as they were prosperous, declaimers in favour of Parliamentary Reform declaimed in vain;—taking advantage, he said, of the discontent, arising from property having been confiscated, and trade destroyed, they had put themselves at the head of that discontent, and promised to gratify it by reforming the institutions of the country. As long as the people found protection under the system of government, they were contented, and did not heed the theorists who told them they could improve the government. He was afraid a little experience would teach the people, that the present Ministers could give them no protection, and would give them no relief. They had come into power with promises of an immediate and effectual redress of all the abuses of the State, but a little time would show that they had exaggerated their power and their means—that they were grossly deluding those who trusted in them—and that they were impotent to relieve the country from the difficulties in which it was placed. They were more powerless to relieve the distress than the late Administration, and were practising a gross imposition by making the people believe that they would or could relieve their distress. He had hoped to see a man in office capable of confronting the evils of the times; the present Prime Minister seemed made up of vague and empty promises. The Prime Minister, within three hours of his appointment, declared in another place, that the night should not pass away without his summoning a Coun-

cil to devise some remedy for the distresses of the people, and instituting an inquiry into the cause of those distresses. He entreated the Ministers not to tamper with the country, not to put forward petty schemes that were wholly inadequate to meet and relieve its deep calamities. He entreated them not to increase the army, and to shuffle anew the cards of taxation, changing, but not lessening, the burthen. Nothing had, indeed, yet been done. The Ministers were practising a system of delusion, which would, in fact, destroy the character of all public men. When it was found that they deserted their professions—and desert them they must, for they would find it impossible to perform them—the character of all public men would in future be so much suspected, that all confidence must be at an end between the people and the Government. The hon. Gentleman concluded by observing, that he had not dealt in flattery. He had spoken truths, however unpalatable they might be to those who heard them.

On the question that the petition be brought up,

Mr. *Hume* rose to defend the character of the Ministry, and to justify the course adopted by the noble Premier, with respect to the question of Reform. That noble Lord had not held out any illusions, or pledged himself to more than he could perform. On that occasion, the noble Lord thus expressed himself in the other House [*cries of "Order!"*]. He thought, that as the hon. Member had referred to what took place elsewhere, he might do so too. He happened to have brought down the paper containing the words alluded to by the hon. Member, for another purpose, and he would now read it to the House.

The hon. Member attempted to read a paper, beginning with the words, "My Lords," but he was as often called to order, and

The *Speaker* at length informed him, that he could not read the paper, with reference to its being the speech of a noble Lord of the other House, because the custom of Parliament forbade it; and furthermore, the hon. Member must be aware, that it could not have been inserted in the paper alluded to without a breach of the privileges of Parliament.

Mr. *Hume*:—Well, then, I'll take another way. In a certain island called Brob-

dignag, there was a Chief called to command over his brother Chieftains, and he addressed them in these words:—"Fellow Chiefs! The State you know is in great danger, and I think it will be well to make preparation for the storm which is approaching. Make fast your doors. Bar down your windows. Be prepared for defence. I think that the manner in which you are to meet the foe, demands your attention; and that you are, above all other things, especially bound to endeavour to gain the affections of your enemies. I don't mean to say that they have rights; but I think it will be admitted, that it is expedient to give a little, in order to guard against ultimate evil." These, said the hon. Member, were the words of the Chief, and they were intended to show, that a resistance to what the voice of the people so loudly demanded, would be impolitic; and that by giving what was likely to satisfy their reasonable demands, would render bolts and bars unnecessary. It was but fair to give the new Ministers a fair trial, and not to add to the difficulties which every honest Ministry must experience, under the existing system, in their attempts to redress public grievances.

Mr. *Attwood* explained, that he was not opposed to the present Ministry, and he would support those who served the country.

Mr. *Curteis* denied, that the tithes were felt by the agriculturists as a burthen; and maintained, that if a vote by ballot were conceded, it would involve the country in all the horrors of a civil war. He allowed that the great majority of the people were favourable to Parliamentary Reform; but he denied that they were favourable to the ballot. He had been attacked a few nights before, for using intemperate language, and those who attacked him had now supported a petition threatening rebellion.

Petition to be printed.

PURCHASE OF THE ISLE OF MAN.] Mr. *Hume* in moving for the following Returns, viz. of the expense of the whole establishments now maintained in the Isle of Man, and paid from public monies, for the civil, military, revenue, and other departments (including that of the Church); stating the name of every person receiving more than 50*l.* a year in salaries, fees, or other emoluments; the office he holds;

whether the duty is performed by the principal, or by deputy; by whom appointed, and whether for life, or during pleasure: of the duties of Custom and Excise on all the articles in the Isle of Man, where the rates of duty are less than on the same articles imported into, or used in England, or Scotland; stating, in parallel columns, the rates in both places; begged to say a few words to the right hon. Gentleman opposite. It would be recollected, that the Isle of Man formerly belonged to the Duke of Athol, and that several purchases were made of his rights, till the public had paid half a million of money. One of the reasons why he concurred in passing an Act, authorising a reference to fix the proper sum that should be paid was, that a promise was made, that as soon as all the rights in question had been purchased, arrangements should be entered into, to put the Isle of Man on the same footing with Scotland and England, in order to prevent the smuggling which the low rate of duties in that island was known to create. He regretted that the late Ministers were better than two years in possession of all those rights; and neglected to make any use of them, for the advantage of the country. A sum of 270,000*l.* was paid for the bishoprick of Sodor and Man, and some appendages connected with it. The public paid for the income of the Bishop, upon a valuation of 5,000*l.* per annum, but the Bishop could not make 2000*l.* per annum. It was therefore proper to inquire, before all the arrangements were sanctioned by the House, whether some refunding should not take place. After the payment of 75,000*l.* which was thought to be final, a claim for an additional 250,000*l.* was made, on the ground that the premises had not been clearly understood; and if it should turn out that this was the case, the public would have as much right to go back as forward.

Lord *Lowther* thought, that the hon. member for Middlesex, had given rather an exaggerated statement of the badness of this bargain. The sovereignty of the Isle of Man was bought of the Duke of Athol, who, though owing fealty to the King, had certain rights, the exercise of which was particularly inconvenient, on account of the encouragement it gave to smuggling on the coasts of Lancashire and Cumberland: a power was therefore given by the House, to purchase those rights, and persons were

appointed to make a fair valuation; viz. Mr. Harrison on the part of the Duke of Athol, and Mr. William Courtenay, a Member of this House, on the part of the Crown. Each of these gentlemen employed a different surveyor, and the present Mr. Justice Bosanquet was called in as arbitrator. By these gentlemen it was settled, that 417,000*l.* should be paid for those rights, a large portion of that sum being for duties and customs. With respect to the bishoprick, for which 217,000*l.* was given, it was at no time valued at above 2,800*l.* a year; but there were purchased with it seventeen Livings, one of them worth 1000*l.* a year. Upon the whole, he believed the purchase to be very advantageous, and so did Parliament, for it allowed the Duke of Athol an extra sum for the bargain. The duties and customs alone would make it advantageous and they were ridiculously low—6*d.* being paid upon tea, and 2*s.* 6*d.* upon brandy, which imported into England, would be charged ten times that amount. His right hon. friend intended last year to equalize the duties, but the press of business prevented him.

Return ordered.

REGISTER OF DEEDS BILL.] Mr. *John Campbell* brought in his Bill, "for establishing a general Register for all Deeds and Instruments affecting Real Property in England and Wales." Read a first time. The hon. Member in moving that it be printed, wished to make a single observation. He was apprehensive that those who were well disposed to the principle of the measure, might consider, perhaps, that it was longer and more complicated than was necessary. In framing the Bill, however, he had not merely had to make a new enactment, but to frame a law in reference to all the laws and anomalous regulations now in force. He could assure the House that simplicity and brevity had been most anxiously studied in adapting the Bill to existing regulations, and he hoped and trusted that its effect would be most beneficial. The Bill contained many provisions not essentially necessary to its principle, and which might be deviated from without affecting the principle. For instance, it was part of the Bill to have one Register Office, situated in the metropolis, for the whole of England and Wales. If it was the pleasure of the

House, however, there might be an Office in every county which would be perfectly consistent with the general principle of the Bill. Another part of the Bill related to the nature of the documents, and provided that all deeds should be deposited. This was rather a startling proposition, but it would not be inconsistent with the principle of the Bill to enact that a duplicate, or a memorial, or a copy of a deed, should be deposited. The principle of the Bill was, that there should be some public place where all deeds and documents affecting real property should be registered and open to inspection. That alone was the principle, and the details might be subject to many modifications, without touching on the principle. Bill to be printed.

INCONVENIENCES OF TITHES.] Mr. *Hume*, in presenting a petition, concerning litigation on Tithe questions, at Havering-atte-Bower, in the County of Essex, said, he was extremely unwilling to occupy the time of the House when so few Members were present; but feeling that there was very little chance of being able to find an opportunity for presenting the petition on Thursday, he was compelled, however reluctant, then to call the attention of the House to the matter contained in it. He must say, in the first instance, that he had been much surprised at the facts set forth in this petition. Since he had called upon the House to consider the abuses of the Tithe system in Ireland, in the year 1821 or 1822, he had heard of no case so striking. He was not aware, indeed, that any such cases existed in England, as the details connected with this petition had brought to his knowledge; and he could scarcely have believed it possible that such abuses and vexations prevailed in the collection of this most unpopular and most impolitic tax. He had first to state to the House, that the liberty or hundred of Havering-atte-Bower contains 7,000 inhabitants; the tithes of which are held as lay tithes, by the New College of Oxford. The Warden and Fellows of that Ecclesiastical Corporation leased the tithes to several individuals; the Rev. Mr. Bearblock and his sons, and a Mr. Morgan being the lessees of the Hornchurch division, and the Rev. Mr. Rawbone the lessee of the small tithes of Romford. The Hornchurch division pays upwards of 3,500*l.* per annum, and the Romford division pays 2,400*l.* in tithes; so that this liberty pays

altogether very near 6,000*l.* He did not state, that the inhabitants of the district had not adequate religious instruction; for although that had been stated to him, it might arise from peculiar circumstances; but when the sum was so large, and the manner of collecting it so open to abuse and multiplied vexations, it was high time for the country to rouse itself and to obtain reform. From all that he had seen and heard, he was satisfied, that tithes were a fertile source of vexation, and that, particularly in the southern and eastern counties, they were amongst the chief causes of discontent and disturbance. In Norfolk and Essex they were particularly odious; and there was scarcely any part of the kingdom where the payment of tithes was not a source of great dissatisfaction. Every Gentleman who attended to the petitions presented to the House must be aware of that fact. Every petition now presented, coupled a prayer for the reform of the tithe-system, with a prayer for the reduction of taxation, or for some other species of reform. The petition which he had to present to the House was founded on resolutions agreed to at a public meeting, held at the Court-house, Romford; at which nearly all the landholders in the neighbourhood attended. The statements in the petition had been corroborated by Sir Thomas Neave, and other gentlemen with whom he was acquainted. He had also been informed of the resolutions agreed to, and of the discussion which took place, and he could not help expressing his surprise, that a College, or any body of men, should have sanctioned a system of collecting tithes, so vexatious, oppressive, and annoying, as almost to have driven the occupiers from the land. Such, however, was the case in the district of Havering-atte-Bower. The petition stated, that the liberty is a Peculiar, exempt from episcopal jurisdiction, the tithes being held in lay fee by the New College at Oxford;—that by the records of the College and of the hundred, it appears that the lands in this liberty had ever been subject to pay a modus in lieu of rendering tithe of hay in kind, and another modus in lieu of lambs in kind; but yet, that the individuals in possession of the tithe, under lease from New College, compelled them to pay tithes of hay and lambs in kind; and when the occupiers resorted to a Court of Law for redress, the lessees called upon them to prove an uninter-

in pursuing the utmost severity of the law against you, for any omission, however trifling, and I give you this notice, in order that you may not feel hardly used by Mr. — taking proceedings against you; and as you have since last Michaelmas persevered in the practice which I told you was illegal, viz. depasturing cattle without giving the tithing-man notice when they were taken into your fields, I am directed immediately to commence a suit in the Exchequer against you for such default."

There was one circumstance alluded to in this letter to which he would direct attention. A farmer, who keeps an inn, has also a field to receive the cattle of the dealers who frequent the neighbouring fairs and markets; and the tithing-man requires from this person a notice when cattle come in, which it is impossible for him to give, as the cattle come and go at uncertain periods of the day and night, without the farmer himself previously knowing when they are to come. What the tithe-receiver required, therefore, could not be done. Nevertheless, the individual had had a bill filed against him in the Court of Exchequer, the expense of which would be three times more than the whole property of the individual against whom the suit was brought. The man was carried to the Court of Exchequer, which was thus made an instrument of extortion for the purpose of compelling him to pay a large sum for composition. Was it to be borne that a man could not take a head of celery out of his garden, or put a cabbage into his pot, without sending notice to the tithing-man, or subjecting himself to an Exchequer process. He understood, that a suit was lately tried before the Lord Chief Baron Alexander, which was actually instituted to recover the tithe of five cabbages and three heads of celery. The Chief Baron then made the observation — "that it was very easy to lay down the principle upon which the tithe of vegetables should be set out, but that he could not imagine how it could be carried into effect, the difficulty was so great." Was it then a fair or a reasonable thing that a man should not be able to use the produce of his own garden, without running the risk of a prosecution? He was assured that he should be able to prove every one of the facts he had stated, if, after the recess, the House should be of opinion that a Select Committee ought to inquire into the subject. It was necessary that the House should adopt some proceeding, though an investigation need not be of

very great length to prove that the system was most pernicious by a few particular instances of vexatious oppression. He had mentioned only a few cases, but he had been told, that there were numerous cases in the same neighbourhood, quite as gross; and that individuals were ready to establish them. The system of annoyance and exaction had gone on, until at last the people were at a loss to know how to rid themselves of the annoyance. The tithe-receivers continually increased their demands. One person informed him, that he hired a farm in 1828, and the sum then demanded of him for tithes was in the proportion of 80*l.* to every 100*l.* of rent. He would just ask the House, what must be the feelings of the people? Was it not evident, that with impending prosecutions daily, they must wish to rid themselves of such an odious and ruinous system on any terms? Was it not enough to make every man discontented. No doubt, many persons would submit because the law gave them no protection, and would yield until they were compelled to pay two or three times the amount of what the tithe-owner had a right to claim. For him there was no redress; he might be taken to the Ecclesiastical Court. A person was taken before Sir John Nichol, into the Arches Court; 6*l.* was the amount of the claim against him, and his expenses were 180*l.* It was a case in which tithes to the value of 6*l.* were taken away. Then there was the case of *Fanshaw v. Brittan*, in which the subject in dispute, as he had already stated, was the tithe on five cabbages and three heads of celery. The petitioners prayed, that tithe-owners should not be allowed to remove their claims for tithes to those Courts where a decision was obtained at so enormous an expense; and they also prayed the House to devise some means of putting a limit to claims for tithes. No claim ought to be taken to the Court of Exchequer for tithes, which did not amount at least to 20*l.* and all claims for smaller sums should be settled by the nearest Magistrate, according to the Act of William 3rd, to which he had already referred. There were some other circumstances referred to by these petitioners, extremely well deserving the attention of hon. Members anxious to build churches and places of religious worship. It appeared that there were certain religious duties to be performed within this liberty, for which the New College at Ox-

ford was bound to provide, but which it seemed to neglect, and even a Curate who preached two sermons instead of one on the Sunday, was forbid to continue doing so, lest it might grow into a practice; and the parishioners were obliged to subscribe amongst themselves for an evening lecture at the Curate's own house. He considered this subject of vital importance to the peace of the country, and when such cases of oppression and vexation occurred, it was no wonder that exasperation should be felt and violence ensue. Such feelings prevailing throughout the country, and such violence having taken place, it was necessary that Government should take up the subject of tithes, and propose some plan to put an end to the present vexatious system.

Mr. *Long Wellesley* regretted the presentation of the petition in the existing state of the House, for never, perhaps, was one of greater importance offered to its notice. He had been asked by many of those who signed it to support its prayer. He knew the parties, and knew that many of the facts stated were strictly correct. He was perfectly acquainted with the district referred to in the petition, for his property was surrounded by a part of it. It was not his wish at that time to enter into all the circumstances connected with this case, which was, he hoped and believed, an extreme one, and that no other case of equal hardship and oppression could be found in any part of the country. Let the House mark what the petitioners stated, and look at the situation of the Established Church and of the law, with such causes of dissatisfaction in existence; and mark too the situation of the petitioners, driven to seek the expensive aid of Chancery, as a protection against the already too onerous impost of tithes. He knew the place and the people, and knew that they had no political feeling adverse to the Government. There was not in the whole country, for a series of years, a body of men so strictly loyal, such rigid Tories, so proud of the Constitution under which they lived, and (though the hon. member for Middlesex would not think the better of them for this) so ready at paying war taxes. There were no men who adhered more pertinaciously to the Government—the Tory Government—than the people of Havering-atte-Bower and its neighbourhood. Only that very day, however, a person stated

to him, that there were very unpleasant demonstrations of feeling in that neighbourhood; and when a reference was made to the means adopted elsewhere for the prevention of tumults and breaches of the law, his observation was, “Sir, the conduct of the parson is such, that I dare not swear in those proper persons who would otherwise be sworn in as special constables.” The consequence, therefore, of the proceedings referred to in the petition, was disaffection amongst the great body of the people of that district. He deeply regretted, that it should have been necessary to present such a petition, and should have been glad if any mode had been suggested, by which it might have been avoided, but the case having been brought forward, in the face of the country, it ought to undergo a thorough investigation for the sake of the Church itself. He wished well to the Church, and therefore he was anxious that, in such a case as this, a proper remedy should be devised. It was because he wished well to the Church that he was desirous of such a modification of the law as would prevent the recurrence of such monstrous evils. He wished to restore the Church to its primitive excellence, and he hoped that clergymen would not continue to be placed in their present invidious situations. There were circumstances connected with this case which the hon. member for Middlesex had not referred to. The amount of the tithes levied in the district was 6,000*l.* a year—an enormous sum in proportion to the rental. He knew a farm within this district, the rent of which was 100*l.*, and it paid 80*l.* for tithes. This sum of 6,000*l.* was exacted, not by an individual resident in the place, but by the New College, Oxford, which was said to apply it in this way:—It paid 1,300*l.* to the rector of Romford, a non-resident Rector, who never performed any duty, and never went near that town. That Rector, receiving 1,300*l.* a year himself, paid 100*l.* a year to a Curate, who performed divine service once a week. This was the situation of the inhabitants of Romford; a large and populous town; and the adjoining hamlet of Hornchurch was precisely in the same situation; could there be a greater grievance? The parties who paid this large amount for tithes never saw the Rector, he paid his Curate 100*l.* a year out of 1,300*l.* and the remainder of the 6,000*l.* went to the funds of New College, so that the district

actually paid 6,000*l.* for services that were requited by the sixtieth part of that sum. But it was not the amount of the tithe only; the mode of collecting it was exceedingly onerous; which satisfied him of the expediency of a commutation of tithes, even if the commutation should ensure an amount as high as that to which the clergyman was entitled by the most rigorous mode of exaction. A great grievance arose from the manner in which the tithe on potatoes was collected. Honourable Members were perhaps aware, that after land had been a long time in cultivation, the farmer was obliged to go to a considerable expense before a crop could be got; potatoes, therefore, in this description of land, might be called an expensive article of manufacture. Formerly the clergyman took the tenth ridge of potatoes for his tithe; but now, the potatoes were dug and measured and the tithe was taken according to the quantity. By this method the farmer had the expense of digging up the ten ridges of potatoes, and the tithe-owner took the potatoes as they were ready for market. This was not the only grievance, however. There were certain seasons of the year when the potatoes, after they were taken from the ground, should not be exposed, but sent to London for sale immediately. He knew these facts; for he was the largest proprietor, perhaps, of this species of land in the county of Essex. At the particular seasons to which he referred, the potatoes were dug up usually in the evening; and, after being sorted, ought to be sent away at night, to be in London for the early market. This was prevented, however, by the manner in which the tithe was collected; and he had known the farmers say to the tithe-collector, "If you will come every other day, when we are sorting the potatoes, and take your tithe, well and good; but if you come in the middle of every day, you oblige me to sell the produce for less than its value, by keeping it from the market." Such representations, reasonable as they appeared had not been attended to. He believed this was an extreme case; but that such a case should exist, under the sanction of the law, shewed the necessity for commuting tithes. Great dissatisfaction was felt on this subject, and therefore he said some reform was necessary. Though anxious for reform, however, no man was more resolved than he was, to guard and

maintain inviolate the old and constitutional rights and just interests of the Church. He trusted, that he understood the value of them as well as any common gentleman, and he sincerely wished to preserve them in that purity which was consonant to the times. In his opinion, this would be best effected by a reform. A person who was no great reformer, (Charles 1st) however, observed, that no reform should be undertaken until the perturbation of novelty had passed away. But no one connected with rural affairs, who knew the exactions which took place, would deny that the manner in which tithes were levied was a great source of disturbance and dissatisfaction and there could be no perturbation of novelty in reforming them. Those who were not prepared to make things worse, should unite in endeavouring to remedy the evil. The dissatisfaction was not confined to any one class of the agricultural population. When the farmer remonstrated with his labourers on the outrages which were occurring throughout the country, and expressed his determination to bring the perpetrators to punishment, the peasant said to the farmer, "Why need you seek to punish us? we shall get rid of the tithe." There was a general determination therefore, more on the part of the occupier than of the landlord, to get rid of the present system of tithes. He thought it proper that the present system of tithes should be altered; that they ought to be commuted, but whether he thought so or not, when he knew that so general an opinion prevailed throughout all classes on this subject, he was certain that it would be only wise and prudent to take time by the forelock, and to concede for the sake of the Church itself. If things went on as at present, and opinions on this subject continued as strong as at present, though the landlord might get some rent, no one would get any tithe. He and other landed gentlemen might, under a course of moderation, be able to hold their own; but, as the gallant Admiral (Sir Joseph Yorke) would say, were he present, they must "hold on the slack." At the same time he thought that there was such a love of justice, and such a sense of right in the English people, that if the Legislature shewed them that it was prepared to concede what it ought, they would be satisfied. If the clergy consented to go hand in hand with the landed

gentlemen they might be able to maintain the Church Establishment and themselves. If a system of concession were not adopted particularly on this subject, in his opinion not only the landed proprietors and the Church, but the State itself would be in imminent danger. He would in conclusion, quote a few lines, bearing on the subject and very applicable to the present state of the country. Lord Bacon says :

"So when any of the four pillars of Government are mainly shaken or weakened (which are religion, justice, counsel, and treasure), men had need to pray for fair weather. But let us pass from this part of predictions (concerning which, nevertheless, more light may be taken from that which followeth), and let us speak first of the materials of seditions, then of the motives of them, and thirdly of the remedies. Concerning the materials of seditions, it is a thing well to be considered, for the surest way to prevent seditions (if the times do bear) is to take away the matter of them. For if there be fuel prepared, it is hard to tell whence the spark shall come that shall set it on fire. The matter of seditions is of two kinds—much poverty, and much discontentment. It is certain, so many overthrown estates, so many votes for troubles.—Lucian noteth well the state of Rome before the civil war—

'Hinc usura vorax, rapidumque in tempora fœnus

Hinc concussa fides et multis utile bellum.'

"This same *multis utile bellum* is an assured and infallible sign of a state disposed to sedition and troubles; and if this poverty and broken estate in the better sort, be joined with a want and necessity in the mean people, the danger is imminent and great; for the rebellions of the belly are the worst. As for discontentments, they are in the politic body, like to humours in the natural, which are apt to gather preternatural heat, and to inflame. And let no Prince measure the danger of them by this, whether they be just or unjust; for that were to imagine people to be too reasonable, who do often spurn at their own good; nor yet by this, whether the griefs whereupon they rise, be, in fact, great or small; for they are the most dangerous discontentments, where the fear is greater than the feeling. *Dolendi modus, timendi non item.* Besides, in great oppressions, the same things that provoke the patience, do withal make the courage; but in fears it is not so; neither let any Prince or State be secure concerning discontentments, because they have been often, or have been long, and yet no peril hath ensued; for as it is true, that every vapour or fume doth not turn into a storm, so it is nevertheless true that storms, though they blow over divers times, yet may fall at last; and as the Spanish proverb noteth well, 'the cord breaketh at the last by the weakest pull.' "

Sir Robert Inglis said, that a petition so important was never brought forward under circumstances so inconvenient, and

so unfair. Of the 658 Members of which this House consists, there was not one, who, having heard the notice which the hon. Member gave a short while ago, could suppose, that within an hour of giving that notice, he would have brought forward such a petition, and have prefaced its presentation by remarks which might have reminded him that it was a subject on which the House was called upon to give a deliberate opinion, and on which Members must naturally be desirous of having time for some previous, consideration. The hon. Member gave notice of his intention of presenting another petition this evening—a petition, certainly, on a subject of very great importance, from the county of Middlesex; and if that petition, in his judgment, required a notice, because he had occasion to make a speech on it, it was not too much to expect that he should have given notice of his intention to make a long speech on the subject of tithes, in presenting this petition. In making these observations on the irregularity and unfairness of the manner in which the petition had been brought forward, he begged not to be understood as doing so because he had any reluctance to meet the statements of the hon. Member, or because he entertained any—the slightest doubt—that the arguments brought forward by him would have received a triumphant answer, if any opportunity had been given for the discussion. Without entering into that discussion at this period, and with so thin a House, he would just observe, that a great deal of what had been said by the hon. member for Middlesex depended upon the assumption, that the parties whose cases he had detailed had no legal means of redress if their complaints were well founded. The hon. member for Middlesex wished, in the first instance, to turn that House into a Court of Justice, and then into a Court of Appeal from other tribunals; but whether in the case of tithes, or in any other case, he should always resist the attempt to convert that House into any such tribunal. The hon. Member referred to those cases in which there had been decisions of a Court of Law against the parties whose cases he stated. Was that House, then, to be a Court of Review from the Court of Exchequer, or any other Court? Was it to pronounce that the tithe-proctors had acted wrong, or that an ancient *modus* was correct, and another *modus* vicious, because, by so doing, it would relieve the

farmers of a certain district in Essex from a payment of tithes which the law says they are bound to pay, though the payment was the subject of much complaint? In this case, however, the complaints did not apply to the clergy. No one of the cases referred to by the hon. member for Middlesex attached to the clergy. It was the exaction, as he called it, of a particular species of property in the hands of laymen. He believed, in the last case in which a petition was presented, and anything said (by an English Member at least) on the subject of tithes precisely the same thing occurred. The facts stated in that case were, that the rent of a farm was 680*l.*; in consequence of the depression of the times, the landlord reduced the rent to 560*l.*; but as regarded tithes, the charge in the one case was 140*l.*, and in the other case, when the rent was reduced, it was also 140*l.* It was added, too, that when the farmer applied to the tithe-collector for a reduction of tithes, and stated that his landlord had made a reduction of rent, the answer made to him was, "You can pay your tithes so much the better as your rent has been reduced." When that petition was under discussion the tithe-proprietor was unknown, but he had since ascertained, and he had the authority of the hon. Member who presented the petition for stating it, that the tithes referred to in that petition were in the hands of a lay impropriator, although, he had no doubt, every one left the House under the impression that the tithes were the property of a clergyman. All the circumstances now stated by the hon. Member arose out of tithe property in the hands of laymen. It was of no consequence that the lessee of one portion of those tithes was a clergyman, as stated by the hon. Member: he held the tithes as a layman, and not in his clerical character. Whatever might be the value of the cases referred to by those petitioners, as supporting the views of the hon. member for Middlesex, those cases attached in no respect to the Church. The hon. Member stated, that the tithes in question belonged to New College, Oxford, which, in this instance, did not act as an ecclesiastical body. The Corporation of New College, Oxford, was not an ecclesiastical body; but held its rights as the Corporation of London, or any other Corporation. Many of the Fellows of New College were laymen; and the greater

part of their tithes, as in this instance was, in lay hands. These cases, therefore, did not in any respect affect the clergy. He regretted that the hon. member for Middlesex should have made such observations on a petition brought forward without notice; and that the hon. member for St. Ives should have thought it necessary to follow his example. Into some of the details brought forward he would make inquiry. He wished the hon. member for Clare (O'Gorman Mahon), who had been so forward in cheering the statements contained in this petition, and the observations made on them, to understand, that the clergy of the Established Church were not in any degree implicated in these cases. The Church was not answerable for the proceedings of New College, with respect to the management of its own property.

Mr. Lennard hoped, as the petition came from the immediate neighbourhood in which he resided, that the House would suffer him to make a few observations. He believed that his hon. friend, the member for Essex, left the House under the impression that the petition would not be presented to-night, and he was exceedingly sorry that his hon. friend was not present. He was prepared, however, most cordially to support the prayer of the petition, which points to a great and pressing evil, calling for immediate redress. He agreed with the hon. member for Middlesex, that the Church ought to claim its rights within a reasonable time, or otherwise its claims should lapse, like those of individuals. The Church, and collegiate bodies, were the only corporations which now maintain this odious and invidious power,—a power so odious and unpopular, that there was no real friend of the Church who would not wish it abrogated. By the courtesy of the hon. member for Middlesex, he had had an opportunity of looking into the petition, and could bear testimony to the respectability of the petitioners. It appeared to him that the hon. Baronet, the member for the University of Oxford, had entirely mistaken the view which the hon. member for Middlesex took in presenting this petition. The hon. Member did not lay this case before the House as a Court of Appeal, but as affording reasons for calling upon the House to pass a law, by which the grounds of complaint stated in the petition might be removed. The hon. Baronet stated, that the tithes of Havering-

atte-Bower were to be considered as the property of lay impropiators, inasmuch as the Fellows of New College were laymen as well as clergymen ; but what had that to do with the case ? What difference did it make ? That fact did not weaken the case of the petitioners in the least. This petition was not brought forward against the Church, but against a great abuse and evil, in which laymen as well as clergymen were concerned. There was nothing new in the complaint. The evils alleged to exist in this particular district, certainly exist in many other places, and must exist, from the state of the law. No blame was imputed to the clergyman ; the fault was in the law. He had no other means of obtaining his tithes, but that which was much and justly complained of. The clergyman must submit to lose his dues on cabbages and celery, as referred to by the hon. member for Middlesex, or he must exact them in this harsh way. It was the state of the law, as regards tithes, that required revision ; and for the purpose of effecting that revision, his hon. friend, the member for Middlesex, had pressed the case of these petitioners into his argument, and upon that view was the petition entitled to his support. With respect to what had been stated by the hon. member for St. Ives, as to the manner in which the clerical duties were performed in the neighbourhood from whence this petition came, he was not quite correctly informed. In Hornchurch, a very large and populous village, the church-service was most properly performed. The clerical duties were performed in that village by a most excellent person, who had done the duty for several years ; and he could take it upon him to state, from his knowledge of the parish, that those duties were exceedingly well performed. He agreed with the hon. member for St. Ives, that it was desirable to maintain the property of the Church establishment ; but it was obviously the interest of the Church itself, that some alteration should be made in the mode of collecting tithes. Many persons connected with the Church felt this, and would be glad of some alteration in the present system. Nothing could be worse, or more painful to the clergyman, than to be obliged to quarrel with his parishioners on the subject of tithes, which he was frequently compelled to do. There ought to be a commutation of tithes, and the members of the Church, he believed, only

required to be assured, that the commutation was to be founded on just and equitable principles, to ensure their concurrence ; and no commutation, founded on different principles, should have his support.

O'Gorman Mahon, assured the House, that it had not been his intention to have obtruded himself on its notice, previous to the somewhat uncalled-for reference, which the hon. Baronet, the member for Oxford University, thought proper to make to him. Deeply interested as he was, and had always avowed himself to be, on this subject ; feeling an interest which induced him to remain for the presentation of a petition in which he was not in any way personally concerned, but on public grounds, the case being exclusively English ; he should not have ventured to offer a single sentence, but for the personal call of the hon. Baronet. Interested as he was in this subject on public grounds, that interest was greatly increased by his anxiety to hear what answer the hon. Baronet would give to the allegations of the petition, and the observations of the hon. Member who presented it ; to hear, he said, the hon. Baronet—the elect of that great ecclesiastical and erudite body, the University of Oxford,—to hear him, whom he had seen there pace along so proudly, surrounded by crowds of parsons, who, leaving their flocks, had come from all parts of the kingdom to support him, to the exclusion of one who had certainly been an able advocate and champion of the cause of the Established Church—but had then become the advocate of Christian and liberal principles ; the chosen knight, was to combat, as it were, with all who should dare to venture into the lists against the abuses of the Established Church. He was anxious to hear what the hon. Baronet had to offer in refutation of the charges made by the petitioners. He had felt great anxiety, but great as was his anxiety, his disappointment had been still greater. He had no doubt, when the hon. Baronet came to speak on the subject, that the House would be placed in a state of ecstasy and delight by the charms of his eloquence. He had no doubt that the men of Oxford, whom he had seen so active in propping up, the hon. Baronet, had made a well-grounded choice,—that they had selected the most competent person to represent the Church establishment in Parliament, and one most

competent to refute any calumnies if calumnies should be uttered, against the conduct of the black cloth. He had been grievously disappointed, however, and the disappointment had had such an effect on his spirits, that he felt himself very unequal to attempt a fitting response to the call so unexpectedly made on him by the hon. Baronet. Thus unceremoniously referred to and taunted, because he nodded assent to some observations made by the hon. member for Middlesex, might he inquire why the hon. Baronet did not permit him to remain quietly, in his position, and apply himself to the allegations made, than to the mode in which he (O'Gorman Mahon) had indicated his sense of their importance? But since it had been put on him, he would not shrink from giving his opinion on the petition, and on the nature of the answer which the hon. Baronet had attempted to give to it. The cheers which excited the hon. Baronet's wrath, were caused by the force of the statements made by the hon. member for Middlesex; but those cheers ought also to have excited the hon. Baronet to some laudable efforts, in the defence of that Church establishment, of which he is the avowed and chosen champion. He only gave the usual cheer which awaits on statements that strike home. He had cried, "hear! hear!" when particular points were made, which he conceived deserving of marked attention—when evidence was referred to, which left a strong impression on the mind—or when evidence was adduced, which, if not contravened, must carry conviction to the minds of all. Now, what answer did the hon. Baronet, the member for the Oxford University, give to this petition? He occupied the House for several minutes with his reply. He complained that the hon. member for Middlesex had made a speech of an hour in presenting the petition; but what answer did the hon. Baronet give to the petition? Did he deny any one allegation contained in it? Did he combat a single observation that accompanied it? Quite the contrary. He—the champion of the Church—was silent on these points, and allowed every allegation contained in the petition to stand uncontradicted. He lamented, forsooth, that the petition was brought forward in so thin a House! So did he. He lamented that all England was not within earshot, and he wished that the statements contained in this petition were within the scope and the consider-

ation of every man in the community. What those hon. Members who spoke in support of this petition mildly called injurious exactions, the country would denominate most iniquitous and disgraceful proceedings. How were the arguments of these hon. Members answered by the champion of the Church? He did not deny a single fact, but, instead of argument, he attempted to substitute a wretched equivocate. He said, these deeds being done, were not done by churchmen in their clerical capacity. It was true, the tithe-receiver—he who sent to try the very hens, and put them under contribution,—was in reality a clergyman, though in doing this, he acted not in his clerical character, but by the authority and in the capacity of lay impropiator. Most miserable subterfuge! but let the House analyse the argument of the hon. Baronet, which invested the same individual with two distinct characters—those of layman and clergyman—but would seek to strip him of the latter, while he happened to be engaged in the practices now described. When these practices were enacting, he must be viewed in his lay character only, and not at all in his clerical.—What! he, a clergyman—one of the sanctified of the Lord,—whose forehead the holy oil had anointed! who—

Mr. *Courtenay* rose to order. He moved that the House be counted.

O'Gorman Mahon, thought he ought not to be interrupted in the midst of a reply forced from him by the hon. Baronet's observations. His answer ought not to be evaded by a motion of this description; besides, the petition was not disposed of.

The *Speaker* explained, that when any Member noticed that forty Members were not present, and called upon him to count the House, he was bound to do so; no motion could be made, nor any business proceeded with, after it was remarked and ascertained that there were not forty Members present, for, strictly speaking, there was then no House competent to dispose of any motion. The House was accordingly counted, and forty Members not being present, was adjourned.

HOUSE OF LORDS.

Wednesday, Dec. 22.

MINUTES.] The Patents Continuation Bill was read a third time.

Petitions presented. By Lord DURHAM, from Stockton, for the amendment of the Criminal Law. By the Duke of

RICHMOND, from Stockton-on-Tees, for the abolition of the Duty on Sea-borne Coals. For the abolition of Slavery, by Earl GREY, thirteen from various places in Northumberland:—By the Earl of ESSEX, from Dissenters at Broughton Astley. By Lord ST. VINCENT, from members of the West-India body resident in the Metropolis, praying for Protection and Compensation:—By Lord FARNHAM, from Inhabitants of Belfast, with the same prayer.

APPEALS.—CHARACTER OF THE INFERIOR COURTS.] On taking his place, the *Lord Chancellor* observed, that a very gross misrepresentation, affecting the character of certain learned Judges, had been made with respect to the mode in which Scotch appeals had been disposed of since he came to the Seals. It was asserted, that in nearly all the Scotch appeals heard by their Lordships since the period in question, the decisions of the Courts below had been reversed. Now, he thought it right to say, that this was the direct contrary of the truth. Thirteen appeal cases had been heard since he had the honour to advise their Lordships upon judicial business. Of those, eleven had been decided; seven, by affirming, and four by reversing the decrees appealed against. Of the eleven decisions, nine were in Scotch cases; and in seven instances out of the nine the original decree was confirmed; in two it was reversed. The other two reversals occurred upon Irish appeals. He ought to state, that in the two Scotch cases in which reversals took place, it was upon points of English law; and he might add, that if the matter at issue had referred to Scotch law, in all probability the result would have been different. It was no more than an act of justice to the Scotch Courts, from which an allegation such as he had alluded to was calculated to take away all authority and respect,—it was only an act of justice to contradict a statement so unfounded.

CONSOLIDATED FUND BILL.—STATE OF THE COUNTRY.] Earl Grey having moved the suspension of the Standing Orders 26 and 155, for the purpose of passing the Consolidated Fund Bill, previously to the recess,

Lord Farnham said, he wished to make a few observations, which he believed would be strictly in order, as he was disposed to consider this case as analogous to that of going into Committee of Supply in the House of Commons, when it was competent to any Member to make such general observations as he might deem

expedient. As this was probably the last time their Lordships would meet in any numbers, and for the despatch of business, previously to the recess, he availed himself of the opportunity to express his regret, that the noble Earl at the head of the Government should have thought it necessary to render the interval between their adjournment and next meeting so long as was intended; at the same time he admitted it was not unreasonable that the Ministers recently called to the public service, should desire as much time as possible to mature the measures which they had announced. Still he could not but regret the length of the adjournment, more particularly when he looked to the present state of the country, and thought of what it might become previously to the period fixed for their re-assembling. Their Lordships must observe with regret, that it had been considered necessary to make an example of some of those found guilty of violating the laws of the country by late acts of disorder and violence. Now, he wished that whatever measures his Majesty's Ministers had in contemplation for the relief of the distress of the country (out of which the recent insubordination had, at least in part, grown) should follow as quickly as possible upon those necessary examples, in order that the country might see, that as Government was prepared to put down acts of violence and insubordination, so also was it ready to follow up the requisite course of vigorous resistance to lawless outrage, with such measures as might tend to relieve distress, and remove the pretext for acts of disorder in future. So much with respect to this country; but he also regretted the length of the adjournment, when he looked at the state of Ireland, to which he considered it necessary briefly to call their Lordships' attention. In the existing state of Ireland, it would have been advisable, if possible, that some measures calculated to impart confidence to the country, and remedy pressing evils, should have been originated previous to adjourning for a period of seven or eight weeks. He thought it not improbable that those seven or eight weeks might be of great importance to that country; but he would not attempt to divine the future. He did not wish to renew the discussions that had taken place there and elsewhere, relative to the late appointments in Ireland; he should only say, that no man would re-

joice more than he, if the fears expressed in consequence of those appointments should turn out to be perfectly unfounded and erroneous. As no measures of improvement had yet been brought forward by Ministers with respect to Ireland, he thought it desirable that the noble Earl at the head of the Cabinet should make some statement on the subject of the measures which he contemplated. He was not so unreasonable as to expect the noble Lord to enter into any minute details on the subject, but he thought it would be advisable, if the noble Lord could hold out any expectations calculated to calm the agitated feelings of the people of that country, that he should now make a statement of what he contemplated. He did not think that the noble Earl could have a better foundation for his measures than was afforded by a paper for which he (Lord Farnham) had moved—he meant the report of the committee appointed by the House of Commons to inquire into the state of the poor of Ireland. He regretted that the length of that report, and of the evidence on which it was founded, was so great that it had not been as yet laid upon their Lordships' Table, but he hoped that it soon would be, and he strongly recommended his Majesty's Ministers, and noble Lords generally, to avail themselves of the opportunity afforded by the approaching holidays to pay attention to that valuable report, and the copious and instructive evidence which constituted its foundation. He offered this recommendation, because he thought that a great number of their Lordships must be, at least in some degree, ignorant of the true state of Ireland, and also because he thought that the body of evidence of persons of various classes and descriptions, which was attached to the report, could not fail to afford the Legislature considerable light when, upon its re-assembling it should be called on to consider the measures to be brought forward on the subject. Having referred to the report, he might observe, that the committee had recommended the adoption of nineteen measures, with a view to benefit and improve the condition of Ireland. All those measures were referable to some six or seven subjects, the first of which embraced a consolidation of all the laws relating to charitable institutions, in six of the proposed measures. The second point dealt with by the committee was the local taxation

by Grand Juries, amounting to a million and a half sterling, of which above half a million went for the repair of roads, public buildings, &c. He offered no opinion as to the propriety of continuing or discontinuing the system of Grand Jury taxation, but regretted that the public objects in question had not been pursued upon scientific principles. He thought it desirable, assuming that Grand Jury taxation was to be continued, that the expenditure of the public money for such objects (which was also intrusted to the Grand Juries) should be put under some scientific control, in order to ensure the public money not being wasted, as he believed it had frequently been, under the existing system. The next object suggested by the committee was one of great importance: it involved a question as to the expediency of affording public aid, with a view to advance certain works in Ireland, to be undertaken for the ultimate benefit of the country, and to enable the population to obtain the means of subsistence. He was aware that the doctrine of the political economists was against a forced application of capital in such a way as this, but (without undertaking to decide the question) he might be permitted to doubt the invariable correctness of the dogma. The committee referred to the advantage to be derived from enabling parties to undertake the drainage of some of the waste lands of Ireland (of which there were thousands and thousands—he might say millions of acres.) Such a project was certainly opposed to the principle of the economists, who, among other arguments against the prosecution of undertakings in the way referred to, objected, that a forced employment of labour for a time had the effect of producing aggravated distress at its termination among that very class which was relieved by it for the moment—a distress greater than that which previously existed, in proportion to the new hands brought into the market, and subsequently left without employment. But this objection did not apply to the relief afforded by drainage, which would be permanent, inasmuch as the new land thus created would continue to employ in its cultivation the labourers originally employed, and called into the market by the process of reclaiming it. He was aware that it was the fashion to say, first produce tranquillity in Ireland, and capital will flow in; but he was for

introducing capital with a view to the production of tranquillity. To keep men out of mischief, it was necessary to employ them. He was glad to see held out in the report the principle of giving employment to the Irish poor, because he thought the adoption of it calculated to promote the cause of good order. The report adverted to amendments of the Subletting and Vestry Acts, and to an amendment in the administration of the law generally; but to those objects he should not now direct the attention of the House. With regard to the subject of education in Ireland (a subject rather hinted at than dwelt upon in the Report), he regretted to be obliged to differ in opinion from the committee, but he should not now go into the question. Having thus glanced at the principal points of the Report, the noble Lord proceeded to allude to the bill prohibiting the cultivation of tobacco in Ireland, which he censured in strong terms, as highly injurious to the interests of that country. If their Lordships knew the benefit conferred upon the poor where tobacco was cultivated,—its cultivation affording employment to persons of different ages, from children of five years old, up to individuals far advanced in life,—they would see that the bill in question was one which materially affected the interests of Ireland. As to the idea, that because the growth of tobacco was prohibited in England, it must also be prohibited in Ireland, he scouted it altogether,—the facts of the case afforded a short answer to the assumption. By the 12th Charles 2nd, the growth of tobacco was prohibited in England and Ireland, for the purpose of promoting the prosperity of the American colonies; but these had long since passed from the Crown of Great Britain, so that the motive of the prohibition no longer existed. In the 19th of George 3rd an Act was passed, exempting Ireland from the prohibition on the ground of affording encouragement to the trade and commerce of that country, therefore Ireland had been upwards of fifty years in possession of the privilege of growing tobacco, of which it was now meant to deprive her. He was aware that the bill prohibiting the cultivation of tobacco had been originated by the late Ministry; but he would tell the noble Earl, that he did not like it a bit the better for that. In conclusion, he thought the noble Earl would do well to consider whether it was

worth while to persevere in this bill of prohibition. He thought the article, if allowed to be cultivated, would bear a moderate duty. The difficulty of collecting it might be considered an objection, but he did not see how the collection would be more difficult than the collection of the duty on hops; and when it was considered how beneficial the growth of tobacco might be rendered to Ireland, he trusted the bill would be abandoned.

Earl Grey would not complain of the noble Lord for having taken this opportunity to state his opinion upon such questions as he pleased, simply contenting himself with the observation, that perhaps it would not have exceeded the usual courtesy adopted towards Ministers in that House, if the noble Lord had given him some previous notice of his intention to introduce upon this occasion so many different subjects, in reference to which he should then, perhaps, have been better prepared to return an answer. First, with respect to the recess, of the duration of which the noble Lord had complained, all he had to say at present was, that the precise length of the Adjournment was decided upon by his Majesty's Government after a very mature consideration of the state of public affairs; and he felt assured that the results would fully justify the propriety of that Adjournment. He hoped that not only would no inconvenience be experienced in consequence of the length of the recess, but that its effect would be, by enabling Ministers to prepare and properly mature their measures, greatly to expedite the transaction of business, and that eventually the country would derive very considerable advantage from it. It could not be expected that he should follow the noble Lord through all the topics of his speech; still less that he should attempt to develop measures which it would require time and consideration to mature. In reference to Ireland he might observe, in passing, that he should be at all times willing and anxious to receive advice from a noble Lord so conversant and well acquainted with the affairs of that country. The noble Lord had referred in considerable detail to the report made by a Committee of the House of Commons on the state of the labouring classes in Ireland, but not having had as yet an opportunity of looking attentively into that report, the noble Lord could not expect him to go into a discussion of

it, even if the present were the proper opportunity for doing so. He was aware, however, that the report contained much valuable information, and believed it referred to many measures connected with Ireland, which might be found useful hereafter, when the subject came regularly under consideration. But as to particular measures contemplated by his Majesty's Government, of which the noble Lord desired an outline, it was impossible for him to say more at present, than that it was his anxious wish to adopt all measures which, on examination, might appear calculated to promote the prosperity of Ireland and of England, and this with as little delay as possible. At the same time, it was fair to inform the noble Lord, that the relief to which he looked for an alleviation of the distress more or less prevalent in both countries, was grounded on the expectation of a natural return of prosperity, to be introduced by the adoption of a good system of government, rather than on anything else. The noble Lord had alluded to a great variety of topics in the course of his address; among other points, following the report on the state of the Irish poor, he adverted to the system of charitable institutions in Ireland, which was, no doubt, well deserving of attention, and it might be of modification, at a future period. The noble Lord also mentioned the local taxation and application of the public funds exercised by Grand Juries—a system, parts of which had been long complained of, and he hesitated not to say, also requiring attention, and perhaps correction and improvement. The report, as stated by the noble Lord, embraced the subject of education,—a matter which also required consideration, and to be taken up with a view to the adoption of such a system as would prevent the rise of all further animosities between individuals of different persuasions on account of religion—a consummation, than which nothing could conduce in a higher or more important degree to mutual good will between man and man, to tranquillity, good order, and prosperity. As to other general measures recommended in the report,—such as advances of public money, with a view to the improvement of the country, and the employment of the labouring classes,—to this, as a general principle, the noble Lord admitted that there existed considerable objections, at the same time he was not prepared to say, that

there might not be exceptions to the general rule he was disposed to lay down, nor whether the instance referred to by the noble Lord constituted one of the exceptions, and if so, how far it might be expedient to act upon the recommendation of the noble Lord; all this was well deserving of consideration. But more than this it was not necessary for him to say at present. The noble Lord had alluded to some recent appointments in Ireland, and in doing so the noble Lord had stated his anxious hope, that the fears entertained by some individuals on the subject might turn out to be unfounded, and that the appointments would be found to produce those effects which his Majesty's Ministers anticipated. Now, his anxious hope, and he might add confident belief, was, that each of the persons holding the appointments in question would (as was the duty of all in their respective spheres) assiduously labour to put an end to the dissensions which operated to pervert the peace and prosperity of Ireland. He thought all persons possessing influence, of whatever kind, ought to endeavour (as was their bounden duty) to contribute to the accomplishment of that good work, by avoiding and discountenancing all attempts at inflaming passions, which, if allowed to continue and augment, would, eventually, be found dangerous to the peace, if not to the very existence of the country. He did not think it necessary to add any thing further in relation to the subjects introduced by the noble Lord. The measures which his Majesty's Government had to propose would properly come under consideration when they should be introduced into that and the other House of Parliament.

The Question having been put on the noble Earl's Motion, the Standing Orders were dispensed with, and the Consolidated Fund Bill read a third time.

HOUSE OF LORDS,

Thursday, Dec. 23.

MINUTES.] The Royal Assent was given, by Commission, to the Consolidated Fund Bill, the Regency Bill, the Administration of Justice Amendment Bill, the Patents' Continuation Bill, the Colonial Acts' Validity Bill, and several private Bills.

Returns ordered. On the Motion of the LORD CHANCELLOR, the Fees received by Commissioners of Lunacy during the last five years, with the date of each Commission.

Viscount GRANVILLE presented a Petition from the Protestant Dissenters and the Female Inhabitants of Cosely, against Slavery.

TREATIES.—THE RUSSIAN DUTCH LOAN.] Lord *Wynford* said, he wished to take advantage of the last opportunity that would be afforded to him before the recess, to ask a question of the noble Earl at the head of his Majesty's Government. It was generally believed, that the duty on foreign barilla had been suspended, or in part removed, by an Order in Council; and what he desired to know was—would the noble Earl have any objection to lay before their Lordships a copy of the Treasury Minute under which that order was made? He had also to ask another question, on a subject of greater importance, relative to the Treaty which had been entered into on the 1st of November, 1815, between the kingdom of the Netherlands and Great Britain on the one hand, and Russia on the other. By that Treaty it was stipulated, that Great Britain and the Netherlands should relieve Russia of a debt of fifty millions of florins, one moiety of which was to be paid by this country, and the other by the Netherlands. It also contained a proviso, that, in case the Netherlands should become at any time separated from the other United Provinces, so much of the debt as remained unprovided for at that period should not be paid by Great Britain or Holland. Now, as he considered that England had quite enough to do in attending to her own difficulties, without volunteering to pay the debts of other nations, and as something like the contingency provided for had occurred, he begged to know if the noble Earl would have any objection to lay before the House an account of the payments that had been hitherto made, and the date of the last payment.

Earl *Grey* said, he had no objection to grant either of the returns asked for by the noble and learned Lord. When the papers were produced, it would be full time for the noble Lord to make such observations on them as he thought proper; and it would be then in his power to give such explanations as were desirable; but the noble Lord had made one observation to which he presumed that some reply would be expected. He had assumed, that the period was now arrived, when, under the Treaty of 1815, this country was entitled to consider itself relieved from any further payments. Now he (Earl *Grey*) had only to say, that when the papers were on their Lordships' Table, it

would be the proper period to consider whether actually, or by acknowledgment of both parties, such a separation had taken place between the Netherlands and the other United Provinces as formed a sufficient ground for releasing the two parties to the Treaty from their obligations to the third. When that period arrived, the noble and learned Lord would have the opportunity of pursuing any course which to him appeared expedient, and he (Earl *Grey*) should be enabled to state what the intentions of his Majesty's Government were. The noble Earl moved, in concluding, that the House, at its rising, do adjourn to Thursday, the 3rd of February.

Lord *Wynford* was glad that the noble Earl had no objection to the production of the papers; and he agreed with him that the proper time for discussion was when the returns were in the hands of their Lordships.

Adjourned to Thursday, the 3rd of February.

HOUSE OF COMMONS,

Thursday, Dec. 23.

MINUTES.] Mr. C. W. WYNN took the Oaths and his Seat as Member for Montgomeryshire.

New Writs moved for. For Bereahton, in the room of Lord Louvaine, now Earl of Beverley:—For Bletchingly, in the room of Mr. TENNYSON, who had accepted the office of Clerk of the Ordnance:—For Bandon Bridge, in the room of Viscount Bernard, now Earl of Bandon.

Returns ordered. On the Motion of Sir R. INGLIS, the number of Excise Licenses issued under the provisions of the Act of William IV. c. 64, distinguishing Counties and Excise Districts, and specifying also the number of Public-houses for the sale of Beer, Ale, and Spirits, and also for the sale of Beer and Ale only, licensed in the said counties and districts; also, of the number of Parishes in Ireland of which the Tithes are the property of Laymen:—On the Motion of Sir J. NEWPORT, a Copy of the Patent appointing the Judge of the Admiralty Court, Ireland, together with a copy of any regulations which he might have made with respect to the arrangement of the business of that Court:—On the Motion of Mr. S. RICE, the Copy of the Report on the Mauritius:—On the Motion of Mr. LENNARD, the number of Persons convicted between 1791 and 1829 of Forgery, distinguishing the number of executions, and the nature of the crime:—On the Motion of Mr. KENNEDY, the details of the Expense of the Mineralogical Survey of Scotland:—On the Motion of Mr. HUME, the number of English Clergymen employed abroad; the Sums paid for the support of Hospitals, &c. abroad; the Population of the Tower Hamlets, and of St. Marylebone and Pancras, Middlesex:—On the Motion of Mr. FYLER, the number of Convictions under the Game Laws between 1827 and 1850:—On the Motion of Mr. Alderman WATTMAN, all Corn, Grain, and Flour imported into Great Britain from the year 1815 to the latest period, distinguishing that from Ireland and the British Colonies.

Petitions presented. By Sir R. INGLIS, from Galway, for the extension of the Elective Franchise:—By Mr. C. W. WYNN, to the same effect. For the abolition of Slavery, by General PALMER, from Norton St. Philips:—By Mr. C. W. WYNN, Mr. WILKS, and Lord E. SOMERSET, from various Dissenting Congregations:—By Mr. R. GRANT,

from Musselburgh:—By Mr. G. PONSONBY, from Naseby:—By Mr. J. JOHNSTONE, from Dunfermling. By Mr. CHAS. TENNANT, from St. Alban's, for the repeal of the Duties on Sea-borne Coals; and from certain individuals, for a Systematized System of Colonization. By Sir A. CHICHESTER, from Belfast, for the repeal of the Duty on Coals. By Lord E. SOMERSET, from Stow-on-the-Wold, for the repeal of the Malt Duties; and from Cheltenham, for the repeal of the Assessed Taxes. By Mr. A. DUNCOMBE, from the Burgh and County of Kircudbright, for Reform in the Elective System of Scotland. Against the Repeal of the Union, by Mr. GEORGE PONSONBY, from Voughall. For a Reform of Scotch Burghs, by Mr. J. JOHNSTONE, from Linlithgow:—By Mr. KENNEDY, from Saltcotes, Ardrossan, and Stevenson. By Lord ALTHORP, from Wellingborough, for a repeal of the Malt Duty; and from certain individuals at Cork, complaining of abuses in the Corporation of that place. For the regulation of the Galway Franchise, from Parishes in Galway, by Mr. S. RICE and Mr. JOHN CAMPBELL. By Lord J. RUSSELL, from St. Ives, for Parliamentary Reform.

ASSESSED TAXES.] Mr. Alderman *Waithman* presented a petition from the Ward of Aldgate, for the repeal of the Assessed Taxes. It was most respectably signed, the name of the Alderman of the Ward being at the head of the petition, and that was followed by the names of the Commissioners of Assessed Taxes. The petitioners deplored the declining state of trade, which had been failing since 1825, and as trade declined these taxes became a most intolerable hardship. The Assessed Taxes fell very severely on tradesmen, who paid two-thirds of the sum levied in that district. The litigation occasioned by these taxes was appalling, and the surcharges were very numerous, amounting to 180,000*l.* in the year. The surcharges, too, had always been most ruinous in seasons of distress. He thought, therefore, that the repeal of those taxes was preferable to the removal of any other portion of the public burthens. He had no intention to throw impediments in the way of his Majesty's Ministers, but if they did not bring forward a measure for the repeal of those taxes, he must make a motion to that effect.

Mr. *Wilks* was convinced, that nothing would be so acceptable to the public as the remission of these taxes. He hoped the worthy Alderman would persevere in his intention, and he should most certainly give him all the support in his power.

Petition laid on the Table.

General *Palmer* presented a petition from Bath against the House and Window-tax. The gallant General observed, that the petition had been more numerously signed than any former similar petition presented to the House; and although the petitioners had expressed themselves in strong terms, as they had said nothing upon the subject which at present so

much occupied the House and country—viz., the question of Reform, the gallant General hoped it would be considered as a proof that distress alone had urged their complaints, whilst they had abstained from alluding to the cause, trusting that the Government would relieve them from the burthen of a tax they were no longer able to bear.

Mr. *Hume* supported the prayer of the petition; Bath was particularly affected by these taxes, and he hoped to see them repealed.

Mr. Alderman *Waithman* also supported the prayer of the petition. He hoped the people would petition on this subject till the taxes were repealed.

Petition to lie on the Table.

REFORM.] Lord *Loughborough* presented a petition from Kirkaldy, for Parliamentary and Burgh Reform. The noble Lord said, he did not wish to identify or pledge himself to the support of the petitioners' views, but would come unshackled to the consideration of the question.

Sir *Ronald Ferguson* stated, that the petition was signed by all the respectable inhabitants of the town, and he hoped with them that an extensive Reform would be granted, and would extend to Scotland.

Mr. *Kennedy* also supported the prayer of the petition, and said, that there was no town in Scotland better entitled to express its opinion and its wishes.

HINDOO SUPERSTITIONS.] Mr. *Wilks* wished to call the attention of the House to a petition on a subject which appeared to him of considerable interest and importance. The petition was signed by several Clergymen of the Established Church, by Dissenting Ministers, and by several of the most respectable inhabitants of Boston, in Lincolnshire, and it described the dreadful scenes which occur in India at the religious festivals of the natives. It adverted to the enormous fees collected at the temple of Juggernaut, and other superstitious places, and requested the interference of the House for their abolition. The petitioners also alluded to the numerous immolations of human beings which took place in India, and earnestly entreated the House to adopt measures for abolishing practices so repugnant to the feelings of every considerate individual. When he

reflected on the connection between this country and India, it appeared to him to be of the greatest importance, that the House should interfere, and prevent the repetition of such shocking customs. The East-India Company ought to use their utmost endeavours to put a stop to such revolting practices; and he remembered, that when the Charter was last granted to the Company, it was the unanimous opinion of the House, that it was the peculiar and bounden duty of the Legislature, by all just and prudent means in their power, to promote the interests and happiness of the inhabitants of British India, and to pay a strict attention to their moral improvement. With that opinion it certainly was matter of surprise and regret to learn, that attention had not been paid to the moral improvement of these people: and that despite of that opinion, idolatries of the most cruel and horrible description continued in existence, and were actually sanctioned—even more than sanctioned—actually converted into a source of revenue, by exacting from all those who shared in these superstitious festivals fees to a large amount; by which means the superstitions themselves, were upheld and encouraged. He was undoubtedly loth to occupy the time of the House by then entering into a discussion of this question, notwithstanding that he in common with other Gentlemen who had paid great attention to it considered it of the greatest importance; and, therefore, he would give notice that after the recess, he should direct the attention of the House more particularly to the subject.

Mr. *Hume* thought, that some of the observations of his hon. friend appeared to convey a reflection on the conduct of the East India-Company, for not having interfered with the religious institutions of the Hindoos. He begged leave to enter his protest against such a remark. In his opinion the East-India Company deserved great credit for having allowed the natives of the extensive tract of country under the government of the Company to retain their religious usages without interruption. Having witnessed many of the Indian ceremonies which his hon. friend called idolatries, he must state, that it would be by no means advisable to interrupt them. The East India-Company had indeed put an end to the burning of widows; but it was admitted on all hands, that that sacri-

fice did not necessarily form a part of the religious observances of the Hindoos. Various absurd practices no doubt prevailed in India; but indulging the natives in the observance of them, contributed to the general peace. His hon. friend made an observation on the moral education of the natives; but he was sure that every freedom and facility had been afforded to every Missionary or other individual, who resorted to that country for the purpose of instructing and enlightening the Hindoos. The Company was not opposed to the improvement of the natives, for it must advance its own interests by endeavouring to raise the moral character of the Hindoos, and giving them the best instruction it could. He was ready to admit, that the festival of Juggernaut might be censured with propriety; and he should certainly be pleased to see the revenue derived from the ceremonies observed there reduced, or appropriated to different purposes. He could assure his hon. friend, who presented this petition, that the servants of the India Company had been most anxious to abolish many of the superstitious ceremonies of which he and other Gentlemen complained; but they had always found themselves restrained by the stipulations not to interfere with the religious ceremonies of the natives. The observations of his hon. friend, had they remained unnoticed, might create an opinion, that encouragement was given to improper ceremonies, and opposition made to the progress of education among the natives; he had therefore thought it right to state, what every one knew, that the Company did not throw obstacles in the way of those whose labours tended to the improvement of the Hindoos.

Mr. *Wilks*, in moving that the petition be printed, wished to say, that his hon. friend, the member for Middlesex, could not be more devoted than he was to the cause of religious freedom, nor less inclined to interfere even with idolatrous superstitions; but the petition stated, that the East-India Company interfered and countenanced these superstitions, and encouraged pilgrims to resort to Juggernaut and other temples; obtaining thereby a revenue of upwards of 900,000*l.* Not less than 120,000 persons, on an average, perished yearly from the severities of the pilgrimages, and from the dreadful floggings they inflicted on themselves.

The petition to be printed.

POST OFFICE.] Mr. *A. Duncombe* presented a Petition from the inhabitants of Belgrave-square, and its vicinity, praying for an early delivery of letters, and that the post should be two-penny instead of three-penny. The Post-office collected a large revenue from the inhabitants of this metropolis, and parties situated as the inhabitants of Pimlico were, lost half its benefits. The addition to the revenue made by the extra rate of postage was very small, and if it were to be continued, at least more accommodation should be given. The hon. Gentleman asked the noble Lord (the Chancellor of the Exchequer) whether any measure on this subject was in contemplation.

Lord *Althorp* said, that this subject was at this time, under the consideration of his noble friend, at the head of the Post-office. He was anxious that the greatest economy should be practised; but it was not inconsistent with economy that duties should be well performed; and part of these duties was, that letters should be delivered speedily in every part of the metropolis. It might not, however, be deemed unfair that rates should vary in proportion to distances. The question, however, was now under consideration, and he hoped, by the time they met again, that a satisfactory arrangement would be entered into.

PARLIAMENTARY REFORM.] Mr. *C. Tennant* presented a Petition from St. Alban's, for Reform. It would have been more numerous signed but for handbills that had been circulated in the town, falsely attributing sinister motives to him for getting the petition up. Influential persons had decryed it as tending to commotion, which had prevented many respectable men from putting their names to it. The hon. Member also presented a petition from certain individuals for promoting emigration, and was proceeding to address the House on the subject, but the interruption of several Members made him desist, though he declared that the subject was of great importance, and would sooner or later force itself on the attention of the House.

MASTERS IN CHANCERY, BEING PEERS.] On the Petition being brought up, Mr. *Ruthven* wished to take that oppor-

tunity, to put a question to the Chancellor of the Exchequer, relative to a Mastership in the Court of Chancery. It appeared that, in consequence of the death of a relative, one of the Masters of Chancery had succeeded to a peerage, and he wished to know from the noble Lord whether he was aware of the fact; and whether the Government intended to take any steps on the subject, and if it did, what course of proceedings it meant to adopt?

Lord *Althorp* said, the fact had been properly stated by the hon. Member; but it was not the intention of the Government to take any step in consequence. He was not aware that there was any law to prevent a Peer holding such a situation. At all events, if there was anything improper in a Peer being a Master of Chancery, if that was derogatory to the privileges of the other House, it was not the House of Commons, but the House of Lords that ought to take cognizance of the subject.

Mr. *Ruthven* considered the subject of great importance, and he should, therefore, give notice—[*Order*].

The *Speaker* said, the hon. Member had already spoken on the petition being brought up, and he was out of order to address the House a second time on the same petition. He could not introduce his notice as a parenthesis, into the motion of another hon. Member.

CLERK OF THE ORDNANCE.] Colonel *Sibthorp* wished to ask the noble Lord, as he observed that the hon. Member for Bletchingly had been appointed Clerk of the Ordnance, if it was the intention of the Government to fill up the other offices in the Ordnance, such as that of the Treasurer, as they fell vacant? If he understood that such was its intention, he would give notice of a motion for a committee to inquire into the state of that department, the number of persons employed, and the amount of their salaries.

Lord *Althorp* begged to remind his hon. friend, that the Government had not filled up the place of Lieutenant-general of the Ordnance. An inquiry had already taken place before the Finance Committee, as to the necessity of keeping up the offices he had alluded to; but the decision was reserved till after the inquiry should have been made into the utility of the offices of Paymaster-general, Treasurer of the Navy, and other offices. When that question

was reserved, it was impossible to make any report till the connected question should be decided. A similar course would now be pursued by his Majesty's Government. It was necessary, till the arrangements were made to try how the Ordnance affairs could be conducted, to fill up these offices. The House was not to consider the matter as settled. Steps were to be taken to consolidate the offices of the Ordnance, and to abolish at least two of them.

Colonel *Sibthorp* wished to know if the noble Lord thought the Clerk of the Deliveries a useless officer?

Lord *Althorp* replied, that when the House again met he should be able to give the hon. Gentleman a satisfactory answer.

Mr. *Cutlar Ferguson* deprecated the practice of hon. Members asking questions of the Government, which it was impossible for the Government to answer. It ought to have due time given it to make its own arrangements, and questions ought not to be put to elicit its opinion.

Mr. *Ruthven* again attempted to address the House, but was called to order.

Petition to be printed.

Sir A. Chichester presented a Petition from certain individuals in Belfast, for the repeal of the Coal Duties.

MASTERS IN CHANCERY.] Mr. *Ruthven* again expressed himself not satisfied with the answer relative to the Masters of Chancery, and gave notice, that after the recess, he would bring the matter before the House.

Mr. *Drake* said, the question mooted by the hon. Member was not a new one, and had been brought before the House on the question—whether Masters in Chancery could sit in that House or not? He did not conceive, that the question had any relation to that House, as a Master in Chancery could only come into contact with it, by bringing down a message from the other House.

Sir *E. B. Sugden* deprecated the discussion. There was, he believed, but one opinion on the subject. There was no reason whatever why the noble Lord should vacate his place. He had executed the duties of his office with great credit to himself, and with great advantage to the public. The question might arise in another place, whether it was consistent with its privileges; but it ought not to be interfered with in that House. He hoped the hon.

Member would not persist in a Motion which might embarrass individuals without any public advantage. The Government had, he thought, taken a very proper course in not interfering with the matter.

Mr. *Ruthven* thought, public duty called on him to bring the subject under the notice of the House.

Sir *M. W. Ridley* said, the Government had not made a Peer a Master in Chancery but a Master in Chancery had, by the course of nature been made a Peer. In that circumstance there was no reason to find fault with any body.

Petition read.

ADJOURNMENT FOR THE HOLIDAYS.]

Lord *Althorp* said, by the courtesy of the hon. Gentleman who had a motion on the books, and who had consented to allow him to take precedence, he rose to make the Motion of which notice was given the day before yesterday, for the Adjournment of the House. It would be convenient, he believed, for Members then to return to the country. The period for which it was first intended to move the Adjournment was till the 8th of February, but, on consideration, the Ministers thought the period might be somewhat shortened, and therefore they proposed, that the Adjournment should be till Thursday, February 3rd. He had heard nothing which should make him doubt that the House might then safely and with propriety adjourn, nor did he see anything in the circumstances of the country which should raise up objections to the adjournment, on account of the public business, being for the length of time he had proposed. Gentlemen would recollect, that it was usual for the House to meet at the beginning of February, and at that time the King's Speech was to be delivered, the Address was to be agreed to and adopted, and several days must pass before business could begin. On the present occasion, the House would be ready to begin public business immediately, and there could be no danger that it would not get through that business before the end of the summer. With respect to the situation of the country, there was nothing in that to induce him to make the adjournment shorter. He doubted, indeed, in the present critical situation of the country, whether Gentleman might not be of more benefit to the people by returning home, than by staying in town, and the objec-

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tions were much greater to keeping them away from their own neighbourhood, than were the objections to adjourning Parliament. He was aware of the difficult situation of the country, but he did not perceive the necessity of making any immediate legislative enactments. He felt that the Gentlemen belonging to the country would, for the present, be better there than here, and therefore he should beg leave to move that the House, at its rising, do adjourn to February 3rd.

General *Gascoyne* did not rise to oppose the Motion, but he thought in the present critical state of the country, a shorter period would be better. No one knew what crisis might arise in the mean time—no one knew what might be the state of the metropolis, or the state of foreign affairs; and he should, therefore, have preferred an adjournment for a shorter period, with an understanding, that no meeting should take place till the 3rd of February, unless some special cause arose for a more early meeting. After the House was adjourned there was no possibility of summoning it together again, and there was no knowing what might happen. He would recommend, that the House should only adjourn for a fortnight, with an understanding that if the country then remained tranquil, the House should be adjourned for a fortnight longer.

Colonel *Sibthorp* concurred entirely in what had fallen from the gallant General. The state of the country was such that Members of Parliament ought to be on the spot where they were most likely to be useful, and to which they had been called purposely at an early period. If there were no other business than presenting and discussing petitions, that alone, he thought, ought to be sufficient to induce them to re-assemble early. It would have been better certainly if the country gentlemen had remained in their own neighbourhood, but being away, they ought to remain and carry on the national business. He had no wish to embarrass the Government by making these observations, for he placed great confidence in his Majesty's Ministers.

Mr. *Long Wellesley* said, every one admitted, that he was friendly to the Ministers, yet it could not be denied, that many of those who made such professions were most forward to criticise their actions. They were like the hare with many friends—everybody was giving them advice, and

everybody was criticising them. For his part, he wished to wait in silent confidence, and he hoped others would act in a similar manner. Ministers had already done a great deal; they had promised more; and, till they had broken their promises, he would give them his support. He was convinced that country gentlemen would be of more service at present among the people than in that House. He differed entirely from the opinions expressed by the gallant General and the gallant Colonel, and thought his Majesty's Ministers were not treated with that courtesy which they deserved, when hints were thrown out that it was necessary to watch their proceedings.

Colonel *Sibthorp* wished it to be understood, that he had expressly declared, that he did not want confidence in his Majesty's Ministers.

Lord *F. L. Gower* would not say, that he would wait, like the hon. Member, in silent confidence on the Ministry, but certainly he could not join in any of the objections raised to the Motion proposed by the noble Lord. With respect to the adjournment, he thought it would be best to leave the period to be fixed by his Majesty's Ministers; and it was not very fair towards men placed in their situation to object to the term proposed. The presence of Members was more necessary in the country than in the House. The objection to the noble Lord's motion he thought unfair; and he should be the last man in that House to raise any objection which, without cause, might embarrass the Government.

Mr. *Briscoe* rose for the purpose of putting a question to the noble Lord, relative to Parliamentary Reform. He did not wish to call on the Ministers for any detail of the nature of the reform which they had in view; but he thought it was due to the House and the country that a question of such vast importance—a question on which the wishes and hearts of the nation were irrevocably fixed, ought to have a day fixed for its discussion in that House. He did not put the question with any unfriendly feeling to his Majesty's Ministers, or with any view to show that he wanted confidence in them. In answer to calls from several Members, the hon. Member said, his question was, at what time, after the recess, it was the intention of Government to bring forward the question of reform?

Lord *Althorp* could not, under the present circumstances, fix any day. He could, however, assure the hon. Gentleman, that it was the most anxious wish of his Majesty's Ministers to introduce to that House the proposition they intended to make on the subject of Parliamentary Reform. He could assure the hon. Gentleman, that the Administration would, at a very early period after the recess, fix a day for bringing forward the question.

Sir *Hussey Vivian* approved of the plan of the hon. and gallant Member, for adjourning the House from time to time, in order to watch the occurrences that might arise in the present state of the country.

Mr. *Slaney* wished to ask, if his Majesty's Government had any plan under consideration to amend the condition of the peasantry in the southern counties, and remedy the abuses of the Poor-laws?

Lord *Althorp* said, there was no plan under the consideration of his Majesty's Government, but the subject was; and if the Administration could devise any plan to remedy the evil, it would be the duty of Ministers to do so.

Mr. *Calcraft* said, if there was any subject which could make him doubt the propriety of adjourning the House to the 3rd of February, it was the subject started by the hon. member for Shrewsbury (Mr. *Slaney*). The distress of the labouring classes was a most important subject, and ought to be taken into consideration as soon as possible. The proposal of the hon. member for Liverpool, he thought was, in his mind, objectionable; for it was hardly possible that the House of Commons, under the existing circumstances of distress in the different counties, could continue to adjourn over from fortnight to fortnight at a time, without creating in the minds of most persons a suspicion that Government considered things in a more alarming state than was warranted by the fact, and disseminating the idea of insecurity and danger. Dismissing, however, the subject of the adjournment, he could not avoid expressing his surprise that the Ministers had thought fit, by a Treasury Minute to make a great alteration with respect to an item of taxation, and yet, although Parliament was sitting, they had not thought it necessary to move any resolution in that House which would sanction such a proceeding. The right hon. Gentleman opposite (Mr. P. Thomson) had taken it on his own authority to re-

duce the duty on barilla; and he certainly was a little surprised, that after such a slip or mistake, no attempt had been made to procure from Parliament the approbation of that measure.

Mr. *S. Rice* observed, that Ministers, in proposing the adjournment for so long a period, had been actuated by the consideration, amongst other important ones, that the Representatives of the people in Parliament would be at this moment employed, perhaps, more advantageously for their interests, in the particular counties and places they represented, than they would be even within those walls. Public duty, then, not personal convenience to his Majesty's Ministers, had been their object in the proposition respecting the adjournment. The Treasury Minute relative to barilla duties was not without a precedent. He would particularly refer to that of the 25th of February, 1825, authorizing the reduction of the duty on Sulphate of Quinine. Having that precedent, and there existing a particular reason why the duties on barilla should be lowered, the Government had taken the responsibility of doing that on itself.

Sir *George Clerk* remarked, that the precedent of the 25th of February, 1825, was one which could not be considered applicable. It removed only certain duties on the sulphate of quinine, an article then recently discovered, and on which the duty could not much exceed, perhaps, 100*l*. The duty on barilla, however, was a protecting duty for a manufacture long established in this country, and between that and the duty on the sulphate of quinine there was no analogy whatever. This, then, could be no precedent for the reduction, at the pleasure of Ministers, of duties so large in amount, more particularly as it had been done whilst that House was sitting. When the duty on thrown silk was reduced to 5*s*. from 7*s*. an application was made by Government for a resolution to sanction the proceeding; and Mr. Canning, when, in 1826, under the apprehension of a scarcity, admitted foreign corn to be sold from the warehouses here, to meet the pressing emergency, lost no time in calling Parliament together, in order to get its sanction, in the shape of a vote of indemnity, for an action otherwise commendable in itself.

Mr. *George Robinson*, after expressing a hope that the noble Lord, on the part of Government, would disavow the proceeding

as a precedent, said, he was encouraged to hope that Government would not attempt to postpone the financial statement late in the Session, but would bring on the budget shortly after the recess.

Lord *Althorp* said, that it was not his intention to bring out the budget until the Estimates had been voted, but he would not fail to bring the financial state of the country under consideration at an early period after the recess.

Mr. Alderman *Thompson* said, that the trade had been acquainted, by the late Ministers, as early as last June, of their intention to lower the duties on barilla, and therefore he did not think that his right hon. friend was to blame for making the alteration. He was solicitous to know, as the late Ministers contemplated an alteration and revision of the stamp duties, if the present Ministers intended to follow up that projected alteration? Interested as he felt on the subject of marine and life insurances which he stood pledged to bring under the notice of the House, he was anxious to learn the intentions of Government on the subject.

Lord *Althorp* said, the bill for that object had been found in the office, and it would be proceeded with as soon as convenient after the re-assembling of Parliament.

The question that the House should, at its rising, adjourn until the 3rd of February next, was then put and agreed to.

COBBETT'S REGISTER — INFLAMMATORY PUBLICATIONS.] Mr. A. *Trevor*, in rising, according to his notice, to direct the attention of the House to the inflammatory language contained in one of the political publications of the day, entreated them to grant him their indulgence while he attempted to perform what to him appeared to be a very important duty. He did not know whether the inflammatory language to which he alluded was or was not contrary to the law of the country; but on the purport and tendency of it there could be no question; and he thought it was the duty of that House, if it was not within the immediate province of the law-officers of the Crown, to adopt some measure with respect to it; and at all events to record their sense of the mischiefs it must produce. The language to which he wished to draw the attention of the House was to be found in the publica-

tion of a person named Cobbett, called *The Political Register*. There were, unfortunately a vast number of passages in that publication which were well calculated to excite the people to sedition, and to support their hopes of advantage from scenes of mischief and disorder; but he should confine himself to one, taken from *The Political Register* for Dec. 11th, which combined in it more than others, all that was mischievous and offensive. One great object of the writer seemed to be, to excite dissatisfaction among the agricultural population, and to induce them to believe, that the destruction of tithes and the ruin of the clergy would prove advantageous to their interests and better their condition. In the first instance which he would select, the writer, after declaring in the most violent terms against a clergyman of Suffolk, who had published an address to his parishioners, warning them against the consequences of their conduct, and entreating them to abandon a system of destruction of property, which must plunge all classes in ruin, thus proceeds:—

"In the meanwhile, however, the parsons are reducing their tithes with a tolerable degree of alacrity! It seems to come from them like drops of blood from the heart; but it comes; and it must all come now; or England will never again know even the appearance of peace. 'Out of evil comes good.' We are not, indeed, upon that mere maxim, 'to do evil that good may come from it.' But without entering at present into the motives of the working people, it is unquestionable that their acts have produced good, and great good too. They have been always told, and they are told now, and by the very parson that I have quoted above, that their acts of violence, and particularly the burnings, can do them no good, but add to their wants, by destroying the food that they would have to eat. Alas! they know better; they know that one thrashing-machine takes wages from ten men; and they also know, that they should have none of this food; and that potatoes and salt do not burn! Therefore, this argument is not worth a straw. Besides, they see and feel that the good comes, and comes instantly too. They see that they do get some bread in consequence of the destruction of part of the corn; and while they see this, you attempt in vain to persuade them, that that which they have done is wrong. And as to one effect, that of making the parsons reduce their tithes, it is hailed as a good by ninety-nine hundredths even of men of considerable property; while there is not a single man in the country who does not clearly trace the reduction to the acts of the labourers, and especially to the fires; for it is to the terror of these, and not the bodily force, that has prevailed. To attempt

to persuade either farmers or labourers, that the tithes do not do them any harm, is to combat plain common sense. They must know, and they do know, that whatever is received by the parson, is just so much taken from them, except that part which he may lay out for productive labour in the parish; and that is a mere trifle compared with what he gives to the East and West Indies, to the wine countries, to the footmen, and to other unproductive labourers. In short, the tithe-owners take away from the agricultural parishes a tenth part of the gross produce, which in this present state of the abuse of the institution, they apply to purposes not only not beneficial, but generally mischievous to the people of those parishes."

Now, for what purpose was this said, unless to excite the people to acts of riot, and to increase the discontent of the labourers? Was it not proving that the laws of the country were at best merely calculated to preserve a species of rapine, and that the people were justified in violating them? The writer then goes on to allude in these terms to the late disturbances in the Midland Counties,—“The accounts from Cambridgeshire say, that since the terrible fires that have taken place in that county, ‘the Magistrates have met, and resolved immediately to make inquiry into the actual state and condition of the poor in every parish of the county.’ Very just, very wise; but never so much as talked of, much less resolved on, until the labourers rose, and the fires began to blaze.” Was not this declaring in plain terms that the people were justified in their incendiary proceedings; that to them they were indebted for the relief they had received, and for the inquiries which were promised; and that in them they would find a remedy for their grievances? Again, the writer says, as if aware of the dangerous character of the preceding passages, and anxious to screen himself from the consequences of promulgating such opinions—“The acts committed by the labourers are unlawful in themselves. Nobody denies this; but all men agree that they were starving; and what says the law in this case? Why the laws of God and of man, and especially the laws of England say, that it is no crime to take by force that which is necessary to the preservation of life. It is against nature to suppose the contrary. All the great authorities concur as to this matter.” This was a new reading of national law, for he (Mr. Trevor) certainly had never heard it asserted before that any species of distress justified the taking by force from another any portion of property of which

he was rightfully and legally possessed. The next passage he should read was of much the same character:—

“But, short of death, how great, merciful God, have been the sufferings of the labourers and their families! And is not the parish allowance slow starvation? Has not this been proved over and over again, before the committees of the House of Commons? Has it not been proved, before those committees, that the allowance for a man at work has not been one-half of what is allowed to the felons in the jails? Has it not been proved before those committees, that a working man, his wife and three children, are allowed less to live on than is paid to one common foot soldier, who has clothing, fuel, and lodging into the bargain, which the labourer and his family have not? And if this be their horrible state, will this Ministry shed their blood? No: I fear not to assert, that they will not shed their blood; let the hell-hounds of loan-jobbers and Jews cry for blood as long as they may. No: this will not be done. The course of these ill-used men has been so free from ferocity, so free from any thing like bloody-mindedness! They have not been cruel even to their most savage and insolent persecutors. The most violent thing that they have done to any person has not amounted to an attempt on the life or limb of the party; and in no case, but in self-defence, except in the cases of the two hired overseers in Sussex, whom they nearly trundled out of the carts, which those hirelings had had constructed for them to draw like cattle. Had they been bloody, had they been cruel, then it would have been another matter; had they burnt people in their beds, which they might so easily have done; had they beaten people wantonly, which has always been in their power; had they done any of these things, there would have been some plea for severity; but they have been guilty of none of these things: they have done desperate things, but they were driven to desperation. All men except the infamous stock-jobbing race, say, and loudly say, that their object is just; that they ought to have that which they are striving for; and all men, except that same hellish crew, say, that they had no other means of obtaining it.”

In reading these, and similar inflammatory addresses to the feelings and prejudices of the lower classes, it was impossible to avoid exclaiming with the eloquent Roman, “*Quousque tandem abutere, Catilina, patientia nostra?*” It was the opinion of one of the most eloquent and able men that ever sat in that House (the late Mr. Burke) and of a noble and learned Lord of high character in the other House, but whose health prevented his taking any part in public business—he alluded to Lord Grenville—that to the dissemination of opinions like these, in language such as he had read, the Revolution of France, with all its concomitant horrors, was mainly to be

attributed. Let it not, however, be said, that in endeavouring to repress or extinguish the publication of such sentiments, he was an enemy to the rational freedom of the Press, or that he wished to place any restriction on its power of promulgating the opinions of the public. He considered it the best means of conveying to the House and to the country the wishes and the feelings of the people—wishes and feelings to which they were at all times bound to attend; but when it became the organ of sedition, and the medium of scattering abroad such poison and venom as they had just heard, then indeed, he was entitled to say of it, "*corruptio optimi pessima est.*" To the unfortunate persons who were suffering from distress, and who were driven by language such as he had read to acts of violence, he would extend the utmost compassion; but he could feel none for those who wantonly urged them to pursue such a course, and endeavoured to corrupt their minds for the purpose of profiting by the confusion and mischief their violence must produce. A storm was gathering in the country—a storm mainly occasioned, in his opinion, by publications such as those to which he had directed the attention of the House; and, unless the best energies of that House, and of the loyal and peaceably disposed portion of the population, were brought into active exertion to resist its effects, he was much afraid it would spread devastation and ruin throughout the kingdom. He did not wish to embarrass the Government, by pledging it to any particular course; but he had felt it his duty to call its attention to the subject; and, whatever might be the fate of the Resolution he intended to propose to the House, he trusted that the exposure of the insidious and inflammatory proceedings to which he had adverted, would not be without some beneficial result. The hon. Member concluded by thanking the House for the attention with which it had favoured him, and moved the following Resolution:—"It is the opinion of the House, that the publication of Saturday, the 11th of December, entitled, *Cobbett's Political Register*, is a false, malicious, and scandalous libel, inconsistent with the principles of government in this country, an audacious insult to the Church Establishment, and having a direct tendency to subvert the laws, and introduce general anarchy and confusion."

Mr. *Bulwer* said, that if the hon. Gentleman brought forward the subject as one particularly deserving the attention of the House, he would find on examination that it was not in the habit of noticing such publications, unless they more particularly attacked its own rights and privileges; but if he meant it as a reproach or censure upon the Attorney General, for neglecting to prosecute the publication he had quoted as a seditious libel, he could assure him, that he could not more condemn the omission of the Attorney General than he (Mr. *Bulwer*) applauded it. The hon. Gentleman would probably agree with him, that if the prosecution of this publication were to be followed by an acquittal, it would neither be advantageous to the country nor creditable to the Government. As the hon. Gentleman had described himself as unacquainted with the law of libel, perhaps he was ignorant that the law of libel such as it was laid down by the decision of Judges in arbitrary times, who, from the manner in which they rose to their office, were particularly attached to high prerogative, was very different from that which popular juries would consider to be the law, and would lend themselves to enforce. The number of cases, of late years, in which juries had come to a verdict very different from that to which the direction of the Judge would have produced in former times should always be a warning against prosecutions for libel. The hon. Member had surely not forgotten that famous parody, beginning,—“I believe in his Majesty's Ministry, &c.” for which Mr. *Hone* was tried, as for a libel, and acquitted. He put it to the hon. Gentleman, whether it might not be argued that this publication was no libel at all? “No man,” it might be said, “upon reading the whole of it, could conceive that the writer meant to say, that those burnings were productive of good, and therefore ought to be encouraged. If Mr. Cobbett's intentions had been seditious, would he have confined his argument to the promotion of fires? Certainly not; and the only view with which he could have been supposed to recommend fires, with a seditious intention, must have been, because he thought they would lead to rebellion, revolution, and change in the established form of Government. But so far from such ideas being encouraged, in the context of the alleged libel, he states, that he is in favour of the established form

of Government; that he is not for pulling down the Houses of Lords and Commons; that he supports the present Administration, and calls upon the public to give that Administration its confidence in the most able manner." He was not speaking in his own person; but as he thought a counsel might speak who was advocating the cause of Mr. Cobbett. It was very unlikely, in times like those which had returned Mr. Hunt as member for Preston, for his political principles—it was very unlikely that Mr. Cobbett would be found guilty of libel by a jury for expressions like those. He would leave, however, the question of law; merely observing, that, on grounds of general policy, the Attorney General would have been liable to censure had he entered upon a prosecution of this publication. The law of libel was indeed the law of the land, but a most unpopular law, being looked upon by the people as a sword in the hands of the Government, the edge of which juries were always desirous to turn aside. It was the duty of the Attorney General not to consider what he could prosecute, but what he could avoid prosecuting. The public press being more an instrument of good than of evil, when in troublesome times a man professed himself a friend of the people, and excited them to mischief, it was not by punishing and prosecuting him that calm could be restored, but by convincing the people that he was not their friend. It was by the press, and not by the pillory or the prison, that a libeller could be reduced to his natural insignificance. He was as little inclined to favour factious demagogues as the hon. Mover, and he reprobated the cry against landlords and landed proprietors, whom he considered to have been most unjustly traduced, and who, he thought, ought to be favoured as the support and staff of the country. The clamour raised against them was the offspring of ignorance and malice, but the Press would do more to put it down than all the barbarous laws that barbarous times had invented, or than all the cruel punishments the laws in barbarous times were authorised to inflict. The hon. Gentleman had himself used language more likely to excite discontent in the people of this country, than any thing to be found in Mr. Cobbett's writings. When the hon. Gentleman said, on a former evening, that the people were in a more wretched state, and in a worse condition than colonial slaves, did he not use

language more calculated to exasperate their minds than any he had read to the House? If the hon. Gentleman, at any future time, should happen not to be a Member of the House, and should print and circulate such language, and Mr. Cobbett, "being a Member, should rise in his place and declare that the hon. Gentleman ought to be prosecuted by the Attorney General, he would then say to Mr. Cobbett, "expose fallacy by truth, put down ignorance by knowledge, and do not give it importance by the dignity of a prosecution." He believed, though, perhaps, he ought to apologise to the House for intruding upon it his opinions, that the cheap publications of the "Society for the Diffusion of Useful Knowledge,"—a title most appropriate,—were more likely to put down disturbance than expensive prosecutions to enforce severe and ill-defined laws. Experience shewed, that prosecutions made proselytes, and raised the prosecuted into notice which they would otherwise never have attained. Let the House only look to the case of M. de Potter, who had been made a very important personage by a state prosecution. Let the House take warning by the events of a neighbouring country, where the King had been driven from an hereditary throne by prosecutions similar to those which the hon. Gentleman probably wished the Attorney General to undertake. He believed, that the principles of the right hon. Gentlemen on the Treasury-bench, would prevent them from adopting such a course; but he would nevertheless call upon them to take warning by the example of the Belgians; and rather to make men love the Government by its wisdom, its tolerance, and the diffusion of knowledge, than inflame the minds of the people, by seeking to check the expression of opinions by severe, arbitrary, and hated laws.

Lord Althorp said, that the question as to the expediency of prosecutions for libel was, in his opinion, and, he was sure, in the opinion of the best judging persons in the country, better intrusted to the discretion of the Ministers of the Crown, than a proper subject for discussion in that House. There might, indeed, be occasions on which, if the House of Commons had no confidence, that discretion would be properly exercised. A case might arise for the independent Members of that House to call for a prosecution; but even then, he thought the better course

would be, not to call for the prosecution beforehand, but to censure the neglect, if any neglect took place. If the House had no confidence that his Majesty's Ministers would prosecute where there was just occasion for it, he could conceive that they would support the motion of the hon. Gentleman; but if they felt—and he hoped they would feel—a confidence, that the Ministers would act properly in that respect, he hoped they would not interfere with the discretion of those Ministers. For himself individually, he hoped that his Majesty's Government did deserve confidence; and the House might give them credit for having no unwillingness to prosecute, as the hon. Member's motion seemed to assume, when he stated the fact, that one prosecution had been already instituted by the Attorney General. With respect to the particular publication at present in question, he should abstain from expressing any opinion upon it. He felt it his duty so to abstain. He wished it to be understood, that he did not mean to say whether it was a libel or not, or whether or not it ought to be prosecuted, or even whether it was the intention of his Majesty's Government to institute a prosecution; but he must observe, that if the Motion were carried, stating the opinion which it did, it certainly would have the effect of pre-judging the question, and of rendering it impossible, under any circumstances, to bring the subject fairly under the consideration of a Court of Justice. For the last 20 years—at least so far as he could learn—there had been no precedent of that House, ordering the Attorney General to institute a prosecution, unless it was on some matter concerning its own privileges; and even in that case, he considered it an evil that such a question should come under discussion there. Undoubtedly the House of Commons, as an independent branch of the Legislature, had the power to discuss such a matter, and order a prosecution. He did not, therefore, dispute the right of the House to agree to the present Motion. It had a full right to do so. But all that he would urge and press upon the House was, that it was not discreet, at the present moment, to bring such a question forward. With these views, he did not think it necessary to trouble the House at any length. If at any time the discretion ought to be left in the hands of Government, surely at a time of difficulty,

at a crisis like the present, it was peculiarly expedient that that course should be pursued. He would beg the hon. Gentleman to recollect, that it was not because a publication might be mischievous, that the Government was bound to prosecute it. There were other considerations to be looked to; these were questions which could not be advantageously discussed in a popular assembly. It was impossible to discuss the question, whether or not a publication ought to be prosecuted, without Members being obliged to express opinions which must interfere with the administration of justice. A discretion must be left to those who were responsible, and if it were the practice in that House for Members who were not responsible, to bring forward such questions, upon their own views of the bearings of them, most mischievous consequences must ensue, and he hoped that the precedent would not be established. He did not wish to give a direct negative to the Motion, but rather would move the previous question.

Mr. Croker would put it to his hon. friend, whether, after the exposition which the noble Lord had made of his own views, and of those of the Government, and after the pledge, that there was no unwillingness to prosecute where there was just cause, and that one prosecution had, in fact, already been commenced—after the intimation that this Motion would tend to defeat its own object—and, above all, when his hon. friend admitted the state of excitement which existed at present, and the great danger which there would be in bringing this Motion to a hostile division in the House;—he would humbly submit, whether it would not be better, both for his hon. friend's views, and the interests of the country, to withdraw the Motion, than to hazard a disagreement with Gentlemen, on the application of a principle, the validity of which they acknowledged as firmly as he did.

Mr. G. Price concurred in this recommendation but explained, that his hon. friend, the member for Romney, did not wish to urge the House to recommend a prosecution by the Attorney General. He only wished to attract the attention of the House to the subject, hoping that thereby a check might be given to similar publications. Now that he had accomplished this object, he hoped his hon. friend would withdraw his Motion.

Lord *Norreys* expressed a hope, that his Majesty's Government would, during the recess, take into consideration the distress which was so prevalent, and which was the cause of those seditious publications, and by relieving that distress, they would do more towards checking such violent appeals than any prosecution could effect.

Mr. *A. Trevor* briefly replied. He wished only to notice the observation of the hon. member for Wilton, (Mr. Bulwer) as to what fell from him on a former occasion. He did say, that the slaves of the colonies were in a better condition than the peasantry of this country, but he meant as regarded food, clothing, and lodging, and that they, notwithstanding the charitable rhodomontades of some Gentlemen, could not be benefitted by changing situations with our peasantry. He had no wish, however, by the statement of what he conceived to be a fact, to excite discontent in the minds of our own people, but to allay the agitation of another subject, and of other people. As the sense of the House appeared to be against him, he agreed to withdraw the Motion.

Motion withdrawn.

GENERAL FAST.] Mr. *Perceval* gave notice, that shortly after the recess, he would move an humble Address to his Majesty, praying that he would be graciously pleased, to appoint a day for a general fast—[cries of "*general what?*"] a general fast throughout the United Kingdom.

VICE-TREASURERSHIP OF IRELAND.]

Mr. *M. Fitzgerald* said, that in rising to move for copies of Treasury Minutes relating to the office of Vice-Treasurer of Ireland, he could assure the House, that he was not actuated by any feeling of a political nature, and still less by any feeling adverse to the Government. The call, however clamorous, which had been raised for the abolition of the office of Vice-treasurer of Ireland, was, in his opinion, founded in complete ignorance. He had endured much obloquy from it having been said that this office, which he had held, was a sinecure; and his object in moving for these Minutes was to show, that the office, far from being a sinecure, was an indispensable part of the Treasury, and connected with all the details of the receipt and expenditure of Ireland. He

would not at this time go through these details, because they would appear upon the Minutes for which he was about to move. There were, however, some points connected with those details, on which he was anxious to say a word or two. All payments in Ireland were made through that office, such as the interest on annuities, and on the funded debt. It had the management of the Exchequer bills, and the payment of interest on them. It had also the payments of the Civil List to make. With these important duties to perform, the expense of the office had been reduced from 28,000*l.* a year, first to 17,000*l.* and subsequently to 10,000*l.* With respect to the office being a sinecure, he must deny that he took or possessed it as such. He was under great responsibility, and liable to heavy losses. When he accepted the office, the Duke of Wellington sent for him, and offered it to him, because the Duke said he wanted to place in connection with the Government, a gentleman well acquainted with Ireland. Under his direction he (Mr. Fitzgerald) had been employed in digesting a plan for administering the local revenue of Ireland, by which the Grand Jury system of that country would have been much improved, and at least five per cent of the local taxation—a sum amounting to 800,000*l.* would have been saved. This plan had met the approbation of the noble Duke, and would have been carried into effect, if he had remained in office. He could therefore state fearlessly, that in accepting the place, he had no idea of connecting himself with a sinecure office, or taking a large salary for doing nothing. With respect to the economy of the arrangement, he must contend, that the arrangement which the Government had made with regard to this office, could not be productive of anything like the saving which had been stated would be made. Probably it would be found, that no actual money-saving, would result from that arrangement. If this were so, then the Government would only have taken away the political office of Vice-treasurer of Ireland, and against this course he must enter his protest. In his opinion, it was highly desirable that there should be in that House some efficient and responsible person, well acquainted with the revenue of Ireland. Now that this office was taken away, there was no remaining political office which was filled by an Irishman. This had made

a deep impression upon Ireland. It was thought, no matter how erroneously, by the people of that country, that no Irishman had any longer any chance of being employed in political offices connected with Ireland, and this opinion he was convinced, would lead to very mischievous consequences. He was quite sure, that his constituents, and the country at large, would acquit him of avidity for office. He did not speak thus because he had been removed from the office, but because he thought the abolition of it highly objectionable. He could wish that it had been filled up, and he knew of no one whose appointment to the office would have been hailed with so much satisfaction, as his hon. friend, the member for Queen's County (Sir H. Parnell.) He would not detain the House any longer than to observe, that he thought the Motion he was about to make was called for, in common justice to himself, who had held the office, and to those by whom he had been appointed to that office; because, if the Motion were agreed to, it would be seen that the office was anything but a sinecure. He begged to move, "That there be laid before the House, copies of the Treasury Minutes of the 10th of July, and 20th of September, 1822, and of the 3rd of January, 1823, relative to the office of Vice-Treasurer of Ireland."

Lord Althorp said, that he had known and acted with the right hon. Gentleman too long to suppose that he could be actuated by any sinister motive in bringing forward this Motion. The right hon. Gentleman had taken two views of this subject; the one was economical—the other political. Upon these, with the permission of the House, he would say a few words. For the first, he must say at once, that he did not understand the economical argument of the right hon. Gentleman, and therefore it would, perhaps, be better for him to state shortly what had been done, and what saving had been effected. He had always been of opinion, that the office of Vice-treasurer of Ireland was altogether unnecessary, and when he entered the Ministry that opinion was confirmed; for, upon making inquiries respecting it at the Treasury, he was told that all the duties of the office were performed by Mr. Mitchell, the chief clerk. His first impression was, that it would be better and more economical to continue Mr. Mitchell

in the performance of those duties, after the office of Vice-treasurer was abolished; but finding that Mr. Smith held a situation that might be dispensed with, and perceiving that much advantage must result from sending into Ireland a gentleman of so much experience in Treasury business as Mr. Smith undoubtedly possessed,—that arrangement, which had already been explained to the House, was resolved upon. Then, as to the saving which had been made by this arrangement, but which the right hon. Gentleman appeared to think could not by possibility have been made. The saving amounted to 2,600*l.*, and it was effected thus:—The salary of the Vice-treasurer amounted to 2,000*l.*, the salary of the Deputy Vice-treasurer amounted to 800*l.*, the salary attached to the office which Mr. Smith held was 1,000*l.*, making altogether 3,800*l.* All these offices had been abolished, and in their stead had been substituted an office with a salary of 1,200*l.* The saving, therefore, which had been effected was obviously the difference between 3,800*l.* and 1,200*l.* It was 2,600*l.*; at this sum it had been stated, and he could not perceive the difficulty which the right hon. Gentleman had in understanding how the saving had been effected. He might also state, that he did not think the saving would stop here. Mr. Smith, who had now gone over to Ireland, was a very active man, and as he had before observed, extremely well versed in Treasury business; and he was not without hope and expectation that Mr. Smith would be able to carry the saving further by dispensing with more than one of the clerks who were now employed. He came now to the political part of the right hon. Gentleman's argument. If the right hon. Gentleman was right in the view he had taken, the arrangement certainly was one of much greater importance than it had seemed to him to be. So far, however, from agreeing with the right hon. Gentleman in this view of the subject, he must say, that he considered it a matter for rejoicing that it had been possible to abolish one parliamentary place. For his own part he was glad of it. The right hon. Gentleman had said, that the Vice-treasurer of Ireland ought to be in the House; but allow him to say, that for many years the Vice-treasurer had been in the House, and yet he had never seen—nor did he believe could any hon. Member point out—what

advantage the country, the Government, or the House, had gained by the presence of the Vice-treasurer of Ireland. As to the observation which the right hon. Gentleman had made about Irishmen not being employed in political offices, he could only say, that in appointments, of whatever character, he could never recognize any distinction between an Englishman and an Irishman. If there were to be any such distinction, the Union would not be complete. He was sure, however, that there was no such distinction, and that there was not the least ground for national jealousy of this kind. He would not do the people of Ireland the injustice to suppose that they could harbour any such jealousy, and, for England, he might, if it were worth while, give proofs enough that they harboured none such. He had only to say, in conclusion, that nothing which had fallen from the right hon. Gentleman had altered his opinion as to the propriety of the arrangement; and, with this observation, he need hardly say that he had not the least objection to the Motion.

Mr. *Hume* had heard with much surprise the observations of the right hon. Gentleman (Mr. M. Fitzgerald) below him, and thought the statement of the noble Lord opposite must have convinced even the right hon. Gentleman himself that the arrangement was a very proper and a very economical one. He trusted that the present Government would follow up measures of economy similar to that to which reference had been just made, and that the present was only the beginning of the simplification of the public accounts.

Motion agreed to.

RECORDER OF DUBLIN.] Mr. *Hume* in moving for certain Returns respecting the duties of the Recorder of Dublin, remarked, that the subject was one which deserved the consideration of the House and the Government. He had been taunted with gross ignorance the other evening respecting the appointment of the Recorder, by the right hon. Gentleman, the late Secretary for the Home Department, whom he was sorry he did not then see in his place. That right hon. Gentleman did not himself know what were the Sessions the Recorder attended, and in what different Courts he presided; and had he (Mr. *Hume*) been for four or five years Chief Secretary in Ireland, and had he

been afterwards Secretary for the Home Department, through whose office all the business of Ireland proceeded, he should consider himself culpably ignorant if he was not aware of the peculiar duties of the Recorder of Dublin. He was desirous to show, from the Returns for which he was about to move, that the duties of Recorder of Dublin, and of a Member of Parliament were quite incompatible. He had found upon inquiry, that the former Recorder of Dublin, Sir Jonas Greene, sat regularly upon every Tuesday and Friday, in every week throughout the year; and that when there was a press of business, he sat more frequently in the Sessions' Court. He had only to add, that the Recorder of Dublin presided as Judge in the Lord Mayor's Court, and in the Sheriffs' Court, and that he took cognizance of all civil cases arising within the jurisdiction of the city of Dublin. How was it possible, if that learned Gentleman was to attend to his duties in that House, that he could sit regularly in his Court in Dublin, on every Tuesday and Friday, to discharge his duties as Judge? He understood that 1,600*l.* a-year was paid to that officer by the public; and if that was the case, the payment of the money should certainly be withheld by Parliament until that learned Gentleman relinquished one or other of the situations which he now filled, and the duties of which were manifestly so incompatible. The hon. Member concluded by moving for certain Returns, setting forth the duties of the Recorder of Dublin, the number of days he sits, and the respective Courts in which he presides; stating also the number of cases tried in the years 1828 and 1829, by the late Recorder of Dublin, stating the amount of the sum voted by Parliament towards the payment of the salary of the Recorder; comprising likewise an account of the number of felons confined in Newgate, and the number that had been tried in the last year of the Recordership of Sir Jonas Greene; and a similar Return with regard to the present Recorder, up to the latest moment at which it could be made out.

Lord *Tullamore* expressed his regret, that the Motion had been made in the absence of the Recorder, who, had he been present, could have given an answer, most likely to several of the statements of the hon. Member.

Mr. *Quentin Dick* entertained the same

opinion as the noble Lord, and thought there was a great want of courtesy, both in the present attack, and in the attack made the other evening by an hon. Member, in presenting a petition.

O'Gorman Mahon was the Member who presented a petition against the Recorder; but he made no attack on him, he had merely declared, that the two offices, of Recorder of Dublin, and Member of that House, were incompatible. He denied, therefore, that he had displayed any want of courtesy to the absent Member.

Mr. Hume stated, that he had given notice of his Motion, and the censure, therefore, of the hon. Member was thrown away.

KING'S PRINTERS.] *Mr. Hume* gave notice, that upon the second Thursday in February, he should move for the appointment of a Select Committee to inquire respecting the patents granted to the King's Printers in England and Scotland.

Lord Althorp inquired, why his hon. friend did not include the King's Printer in Ireland, in the motion of which he had given notice?

Mr. Hume had given his Majesty's Government the credit of having abolished that office. He would willingly adopt the suggestion, and include it in his Motion. He wished to know from the noble Lord, whether it was a fact, that if the patent to the King's Printer were not challenged up to the 1st of January next, it would then be a good and valid one? It lay at present in some office in the Adelphi, open to public inspection; but he understood, that if no objection was made to it before the 1st of January, it would then be valid.

Lord Althorp did not possess any knowledge with regard to the point of law which the hon. Member had mooted, but he would make an inquiry upon the subject.

CANADA.] *Mr. Hume* moved for various Returns to shew the Revenue derived from the sale of the Crown Lands and Clergy Revenues in Canada. The hon. Member expressed a hope that his Majesty's Government would turn its attention to the affairs of Canada. Great dissatisfaction at present prevailed in that colony.

Lord Howick said, that the state of Canada was at that moment under the serious consideration of the noble Lord at the head of the Colonial Department, and

that every endeavour would be made to produce a satisfactory state of things in that colony.

Returns ordered.

PENSIONS IN THE COLONIES.] *Mr. Hume* also moved for a Return of all Pensions granted in the Colonies. He would take that opportunity of saying, that he hoped that his Majesty's Government would direct its attention to the important colony of New South Wales. He believed that that colony was at present in a very dissatisfied state. He understood that the Government there had instituted eleven prosecutions against one individual; and that, since the introduction of Jury trials in that colony, that that individual had obtained seven convictions against the Government Gazette, for libels on his character. He wished to know whether it was a fact, that the Governor of that colony had suspended the Judge who had so fairly and properly exercised his functions in the instance of those trials? If the Governor of New South Wales had acted so, that was in itself *prima facie* proof that things were not as they ought to be in that colony. He hoped that the noble Lord opposite would be able to state that there would be some change made in the government there. He trusted, that before the House met again, the Government would have come to such a determination; for if not, he should feel it his duty after the recess to bring forward a motion on the subject. He must express a hope, that his Majesty's Government would interfere in the case of *Mr. Hall*. That gentleman had been imprisoned for three years; and there had been eleven government prosecutions against him, though he had obtained seven convictions against the Government Gazette, which fact was a tolerable proof of his innocence. He wished to know whether it was a fact, that in the instance of every one of the verdicts against the Editor of the Government Gazette, with the exception of one against Archdeacon Scott, the fines had been paid out of the public money? The hon. Member concluded by submitting his Motion to the House.

Lord Howick observed, that the hon. Member must be aware that there was a great degree of excitement and party spirit in the colony of New South Wales. The circumstances of that colony were very different from those of others, and what

might be conclusive as to the misconduct of a Governor of another colony should not be considered conclusive, or any such thing as conclusive, proof with regard to misconduct on the part of the Governor of New South Wales. With respect to the charges preferred by Mr. Hall against Governor Darling, the noble Lord at the head of the Colonial Department would only discharge his duty properly by receiving them with great caution and suspicion. As a proof that the charges made by Mr. Hall should be received with great caution, he instanced the charge preferred against the Governor in reference to the bush-ranger. In that instance, the Governor was charged with conniving at murder. Now, the real fact was, that this bush-ranger had been found guilty of murder, and that, in attempting to make his escape, he had been shot. The charge in question became the subject of an investigation afterwards, and the counsel for Mr. Hall, in that instance, acknowledged that his case had broken down.

Mr. H. Twiss remarked, that, from his experience, his testimony would bear out the noble Lord who had last spoken, with respect to receiving, with great caution, charges brought against individuals holding official situations in the colonies. He contended that, although it could not be said that the Sydney Gazette was altogether blameless in the transaction, still, were a balance to be struck between it and the Sydney Monitor, it would be found greatly against Mr. Hall, who was the editor of the latter, and who had published libels calculated to bring the Government into contempt, and to injure the Governor of the colony. The hon. Member who had brought forward the present Motion had, in one respect, been misinformed. He had urged the necessity of the appointment of a council at the colony of New South Wales, in order to assist the Governor by their deliberations. He begged to inform the hon. Member, that, in the year 1828, a bill was introduced into that House, by which a council was appointed: and, in conformity to the provisions of that bill, proper persons were selected to fill those responsible offices, without any regard to partiality in their choice.

Mr. Warburton was of opinion, that a great deal of oppression had been manifested in the case of Mr. Hall, who had been imprisoned very unnecessarily for a great length of time.

Mr. Hume hoped, that the noble Lord would take all the other cases with which Mr. Hall had been connected, as well as the one he had mentioned, into his serious consideration.

Lord Howick said, that all he had stated with regard to the case of the bush-ranger had been verified by the report of Mr. Justice Dowling, who presided at the trial of Captain Wright.

The returns were ordered.

CIVIL LIST PENSIONS.] Mr. Guest rose to bring forward the Motion of which he had given notice, with regard to the Pensions granted on the Civil List. The hon. Member commenced by remarking, that this was a subject which merited the serious attention of the Government and the country. He should confine his Motion, in the first instance, to the pension which had been granted to Mrs. Arbuthnot, in order to bring the general question, with respect to pensions granted where no services had been performed, hereafter under the consideration of the House. After stating the amount of salary to which the right hon. C. Arbuthnot was entitled, and of which he was in receipt as Secretary to the Treasury in 1823, the hon. Member stated, that at that period, while her husband filled that situation, a pension of 1,200*l.* per annum was granted to Mrs. Harriet Arbuthnot. He conceived that such a grant could not be defended. The next pension to which he called the attention of the House, was that granted to Lady Hill. He was informed, he said, that she was the lady of Sir George Hill, the late Vice-treasurer for Ireland: that hon. Baronet, at the present moment, as governor of the Leeward Islands, in addition to the pension granted to him, as late Vice-treasurer of Ireland, after the loss of his office as Clerk of the Irish House of Commons, was in the receipt of 2,091*l.* 8*s.* 2*d.* Yet it appeared that, on the 5th of April, 1830, a pension was granted to Lady Hill of 467*l.* 12*s.* That pension was granted upon the very day that Sir George Hill retired from his office of Vice-treasurer of Ireland, to which office the Knight of Kerry was appointed, and in addition to the other pensions granted to him, it made the total received by himself and his lady from the public, amount to 7,347*l.* That was a gross abuse which should be corrected. The next pension to which he would call the attention of the

House was that granted to the Earl of Minto. It appeared that, on the 2nd of April, 1800, a pension of 938*l.* 8*s.* 9*d.* was granted to that noble Earl; and therefore, since that period, that noble Earl had received about 28,000*l.* from the public purse. He (Mr. Guest) was ignorant of the services which the noble Earl had performed to entitle him to such a reward. The next name which called for notice was that of the Countess of Mulgrave, though her husband, the Earl of Mulgrave, as former Master-general of the Ordnance, had a pension of 3,000*l.*; he received, also, his full pay as Colonel. There were no exact returns of the pensions received by this nobleman; but he was in possession of his full pay as a General, and also as Colonel of the 31st regiment of foot; and in receipt, also, of an annual sum as governor of Scarborough. The hon. Gentleman said, that the pensions granted to the family of the Grevilles were particularly deserving of attention. Mr. C. Greville, as Comptroller of Cash in the Excise, was in receipt of 600*l.* per annum; he was allowed, moreover, 600*l.* a-year as Receiver-general of Taxes at Nottingham; and, in addition to that, he was in receipt of 350*l.* a year as Secretary of the Island of Tobago. Now, it was plain that some of those offices, if not all of them, must be perfect sinecures. The amount of pensions granted to the Grevilles—a father and two sons—was 7,662*l.*, and all the services which they had performed, as far as he could understand, was, that one of the sons had been for three years Private Secretary to the First Lord of the Treasury, for which, on a moderate calculation, he had been rewarded by a sum not less than 1,373*l.* per annum. The hon. Member then referred to the pensions granted to the Cockburn family. The first bore date so far back as 1789, and was for the amount of 184*l.*, granted to Jean Cockburn: to three other members of that family, pensions of 97*l.* each were granted in 1791 upon the Civil List of Scotland. There was also, in the document which had been laid upon the Table of the House, an account of a pension granted to Mary Penelope Bankhead, bearing date October 8, 1825, and for 350*l.* 7*s.* 5*d.* What were the services for which such a pension had been granted? It would be seen from the same document, that the Countess of Mornington was in the receipt of a pension of 600*l.* a-year

since 1813. The hon. Member alluded to several other pensions which had been granted upon the Civil List, and, among others, to those of Lady Ann Cullen Smith, who, since 1812, had received a pension of 600*l.*; of Mary Wilkins, who, since 1800, had received 115*l.* per year, upon which last pension the hon. Member remarked, that he was astonished how any one in possession of 4,000*l.* a-year could think of taking from the Civil List a paltry sum of 115*l.* per annum. In conclusion, he remarked, that all these pensions had been granted during pleasure, and that he was anxious that all the circumstances connected with those grants should be laid before the House, in order that they might see whether it would not be necessary to submit all such pensions to reconsideration and revision. He had, as an independent Member of Parliament, felt it his duty to bring forward the Motion with which he should conclude, and he would now declare, that whenever pensions were to be voted and placed on the Civil List, which were not granted for some service performed to the State, he should feel it his duty, even if he stood alone, to vote against such grants. The hon. Member concluded by moving for a copy of the Warrant, or other document, bearing date the 5th of January, 1823, granting a pension of 1,200*l.* per annum to Mrs. Harriet Arbuthnot.

Mr. *Hume*, in rising to second the motion of the hon. Member, begged to express his obligations to him, and also to say, that it was an irksome and unpleasant task for hon. Members to perform, when it became their duty to move for such returns as were contemplated by the motion of the hon. Member, as such a proceeding partook somewhat of the nature of a personal attack, though it was, in fact, of a very different character. He, however, felt that there was no other mode of putting a stop to the shameless drain occasioned, by such pensions, on the public purse; he had no hesitation in stating his conviction, that the acceptance of a pension of 1,200*l.* by the wife, or any part of the family of a Member of that House, ought to be considered as incapacitating that individual from sitting in Parliament. It was proceedings similar to those which the hon. Member who spoke last had stigmatised, that had reduced the country to the impoverished state in which it now was, and he considered it was the bounden duty of Ministers

to bring the propriety of continuing these pensions under the consideration of a committee of the House. The system caused a great deal of discontent in the country, and he hoped that it would be put an end to.

Mr. *Lennard* considered, that the entire Pension List ought to be brought under the direct control of Parliament; he trusted that in future the list of pensions would be annually laid before the House; and had that course been pursued before, a great many names which now appeared in it would not have been found there. He felt unmitigated satisfaction in finding that the Duchess Dowager of Newcastle had relinquished her pension.

Mr. *Guest* explained, that he had just been informed that the Earl of Mulgrave had not a pension of 3,000*l.*, and that the reason why there was not a return of his emoluments before the House was, the severe illness of the noble Earl. He hastened to make this statement after receiving it, and to apologise for the incorrectness into which he had been led.

Mr. Alderman *Waithman* expressed his obligations to the hon. Member whose motion was before the House. He felt that it was a subject of great delicacy to single out the names of individuals who were in the receipt of pensions—still it was a duty, and as such was unavoidable. Amongst other names on that list, however, there was one which was super-eminent amongst them, that of Bathurst, a nobleman, who had held a high official situation for many years, and who, independent of the salary which he had received, had enjoyed for upwards of twenty years a sinecure of 2,700*l.*, and another sinecure of upwards of 1,000*l.* In addition to these sums, there were the names of no fewer than five of his family, to one branch of which an increase of 200*l.* was made to her pension in 1825, and of 100*l.* in December, 1829. He thought it excessively hard that individuals who received from 10,000*l.* to 12,000*l.* a-year could not support their own families. He recollected that the very year when some of the worst of these pensions were granted, the people were in great distress, and even perishing of famine. That was a monstrous abuse which must be done away.

Mr. *Courtenay* said, that was not the time to enter into a discussion of the Civil List, which would come more regularly under discussion when that subject was brought

forward by Government. Having this feeling on the subject, he should not have trespassed on the attention of the House, but for the extraordinary misrepresentations of the hon. Alderman (*Waithman*) on the subject of pensions granted to Earl Bathurst's family. The hon. Alderman stated, that Lord Bathurst's family received a large sum in pensions. His answer to that statement was, that they received nothing. It was true Lord Bathurst himself held two offices, which were nearly sinecures, and which he obtained long since, as the son of a Lord Chancellor, it being the practice in those times not to grant the Lord Chancellor a pension, as at present, but to reward him by granting sinecures to his family. All that Lord Bathurst obtained by this antiquated system was, the difference of holding sinecures worth about 4,000*l.* a-year, instead of a pension of 3,000*l.* to which he would have been entitled from the duration of his personal services. The pensions which the hon. Alderman remarked upon were granted to the family of Mr. Bragge Bathurst, a gentleman who was well known, and who had been in the public service during the greater part of his life, but never held any office which entitled him, under the Act of Parliament, to a pension. He went out of office not in affluent circumstances, and with a large family; and Lord Liverpool's Administration certainly advised the granting of pensions to his wife and family to the amount of 1,500*l.* or 1,600*l.* a-year. Unless the granting of pensions was to be condemned altogether, he believed that no pensions had ever been better earned than those enjoyed by the family alluded to. He would not enter further into this subject more than to observe, that if the system advocated with respect to the Civil List was adopted, and every pension submitted to Parliament before it was granted, it would be the greatest alteration any one now living had seen in the Constitution—an alteration, in his opinion, which would be productive of infinitely more jobbing than had ever existed. He had no doubt that other pensions, as well as those granted to the name of Bathurst, could be explained; but at any rate he would claim credit for the Duke of Wellington's Administration for having steered clear of such jobs. He admitted the abuses, but they were all of long standing, and of a date long prior to the time when the Duke

of Wellington was placed at the head of affairs.

Mr. *Lennard* explained. He never said that the right of granting pensions should be vested in the House of Commons: he only contended that, when granted by the Crown, they should afterwards be submitted to the House of Commons, and the reasons assigned for which they were granted.

Mr. Alderman *Waithman* also explained. He had seen the name of Bathurst in the Civil List, and, in common with many other persons, was impressed with the idea that they were members of the noble Lord's family.

Mr. *Keith Douglas* was very anxious that the observations made on this subject should not convey a stronger impression abroad than was intended. It might be the duty of his Majesty's Government to investigate the Civil List, but he was quite persuaded they did not wish it to go abroad that they had made up their minds to advise his Majesty to withhold all assistance from those who had hitherto been placed on the Pension List. It should be recollected, in discussing this subject, that the pensions granted on the Civil List formed a part of the allowance made to his Majesty, in return for the hereditary revenues of the Crown. The course advised, of submitting all pensions to this House, might be right or wrong, but it was quite new, and ought to be adopted with caution.

Mr. *Wilks* said, that although it might be something of innovation, it would be a great improvement to submit all pensions to Parliament. This was proved by the fact, that the oldest and most intelligent Members of that House could not tell for what services the pensions had been granted. Pensions ought to be an honour, and not a disgrace; and if pensions were granted only for public services, he was sure Parliament would not be niggardly. He considered the appointment of a committee would be the preferable mode of determining whether any part of the pensions granted should be discontinued or not. He also observed, that leaving the consideration of pensions to Parliament was not such an innovation. Some of the largest grants ever made to individuals (those to the Duke of Wellington, for instance) were made by the votes, and with the concurrence of the Legislature.

Mr. *Robinson* said, that as no excuse was made, and nothing said in extenua-

tion of the pensions referred to by the hon. Mover, he had a right to construe the silence as a token of general disapprobation. It was for Parliament to prevent the recurrence of such abuses hereafter; abuses which, he believed, had done more to bring disrepute on that House, than all the inflammatory and mischievous publications of which so much had been said in the early part of the evening. Whatever way the House was disposed to deal with vested rights, as they were called by some, a remedy ought to be devised, to prevent the repetition of such enormous abuses.

Mr. *Attwood* said, the right hon. Gentleman's (Mr. Courtenay's) argument, as to Mr. Bathurst's family, proceeded entirely on the assumption that men in office were not adequately remunerated for their public services. That assumption was violently in collision with public opinion, and with the expressed opinion of his Majesty's present Government. It was very desirable that Ministers should give their attention to the Civil List, and, if possible, reduce it to a great extent; but though this might gain for them a little temporary popularity, he did not hesitate to tell Ministers that, if they contented themselves with any reductions they could make in the Civil List, they would show that they were not adequate to the urgency of the occasion which called them into office; and, so far from relieving the distress of the country, they would only add to its difficulties. He was desirous of referring to another point, on which some observations had been made a few nights ago. Something had been said of the Government appealing to the people, or, in other words, of a general election. It was only a few months since the people expressed their opinion by electing Representatives, and he therefore told the Ministers, that if they appealed to the people so soon again, it should be on some other grounds than that of gaining two or three votes, more or less, by bringing in Members to represent boroughs under the influence of Government. The people ought not to be appealed to twice within a few months on such a pretence. It would be to disgust the country by obtruding upon it the discreditable parts of the system of representation; and if Ministers adopted such a course, they would render themselves deeply responsible. If they appealed to the people, it

should be by measures suited to the urgency of the occasion—measures calculated to afford relief to this distressed, distracted, and nearly disorganized, country. If Ministers were defeated in such measures by party politics, they might retire with satisfaction; and if they succeeded, they would place themselves in the highest position in which any Ministers ever stood.

Sir *Robert Inglis* said, that, though he had opposed the Duke of Wellington's Government, he was bound to say, that no Government had added less to the Pension List. He believed that the aggregate amount of pensions granted on the Civil List, under the Duke of Wellington's Government, did not exceed 10,000*l.* per annum.

Mr. *Herries* said, he had refrained from rising until then, expecting that some member of his Majesty's Government would speak on a point of such great constitutional importance as that which had been brought forward in this debate. His Majesty's Ministers were the proper guardians of the prerogatives and rights of the Crown, and their opinions ought to be stated on this point; and till then it was hardly decorous in him or other Members to obtrude any observations on the House. Some doctrines, however, had been put forward, upon which, as his Majesty's Ministers had neglected to reply to them, he felt called upon to offer a few observations. The hon. Member who brought forward this Motion, had confounded all the different classes of pensions—those granted by the authority of an Act of Parliament, with those granted by his Majesty. His Majesty was legally intrusted with the power of granting pensions to a certain extent, and the question which had been mooted by hon. Members was, whether this class of pensions ought not in future to be voted by the House? Was that the conduct proper to be pursued? They had read little of the history of this country, of mankind, or of popular assemblies, who thought that such a power could with safety be vested—under a constitution at all monarchical—in any other branch of the Government than the Crown. He maintained, that the House was not the fit judge of the cases in which it might be proper for his Majesty to grant pensions—[*hear, hear, from Sir J. Graham*]. He did not do the hon. Baronet the injustice of supposing, that he would advo-

cate such a doctrine. He hoped no one who occupied those benches on which the hon. Baronet sat, would ever maintain such a doctrine. But it had been repeatedly stated, in the course of the conversation, that the House of Commons should have the revision of all pensions granted by the Crown. He would not pursue the argument further than to observe, that such a principle, if adopted, would be fatal to every thing like the vestige of a monarchical government. Now, as to the grant of pensions, he would only observe, that it might be wise or unwise to place such a power in the Crown. But a certain sum was assigned to the Crown, which the Crown had a right to grant, not only for public services, but as matter of grace and favour. Whether it would be right or not to persevere in that system was another question; but such had been hitherto the law, and it was looked upon to be an important part of the Constitution of the country. He was not only defending the Duke of Wellington's government—which had given away the least, perhaps, in pensions, of any government—but all the governments which had preceded it. They were all open to the charge, if charge it could be called, of advising the Crown to grant pensions, not only for service, he repeated, but as matter of grace and favour. Unless the members of the late Administration had been guilty of advising the grant of some pension under circumstances which rendered it the subject of special disapprobation, they had not exceeded the power vested in them, and exercised by all their predecessors in Office, nor could they fairly or decently be charged with any dereliction of duty, or with malversation, in recommending his Majesty to grant certain pensions. The granting of pensions on the Civil List was perfectly consistent with Mr. Burke's measure for the reform of the Civil List. That right hon. Gentleman laid down the principle, and Parliament assented to it, that a certain sum should be placed at the disposal of the Crown, to be granted by the Sovereign as he thought fit, without Ministers being liable to be questioned in Parliament as to the manner of its appropriation. Every great Statesman in that House who succeeded Mr. Burke, agreed to the principle laid down by him. If the Crown were stripped of the right and power of granting pensions, or that power were made

subject to a dominant faction, and every pension to depend on the vote of a majority of the House of Commons, the Crown would be left without any power. Formerly the Crown had the power of making grants of land, and grants from the hereditary revenues; and if Members took the trouble of looking back, they would find that the power of granting pensions, to a certain extent, for grace and favour, was esteemed a just consideration and compensation for the hereditary revenue which was formerly applicable to the same purpose. When the Parliament and the Crown came to make terms, it would be for the House to consider, whether a similar power should be again vested in the Crown. The maintenance of that power was not then the question—it was the pensions granted, and not the pensions granted to particular persons—but the attack was directed against the whole Civil List. He could not sit down without telling the hon. Member who made the Motion, that it would have been better if he had not entered into personal allusions. When he (Mr. Herries) came down, he had no expectation of hearing any names called in question; and, as it never happened to him to have advised any pension, he was the last person who could be supposed qualified to give an answer. Nevertheless, he felt it his duty to call upon the House to suspend its judgment until the subject was fairly before it, and hon. Members had had an opportunity of inquiring upon what grounds particular pensions had been granted. He hoped that the present Ministers, when they came to arrange the Civil List, would, in looking to the dignity of the Crown, and the support of the Monarchy, determine upon having some fund at the uncontrolled discretion of the Crown, out of which it might dispense its favours, and reward the merit of individuals according to the views of those who served the Crown.

Sir J. Graham agreed with some part of what had been said by the right hon. Gentleman who had last addressed the House, that there ought to be some fund at the uncontrolled and irresponsible disposal of the Crown. But the amount of the specific sum so disposable would be the subject of discussion when the Civil List came to be settled by Parliament. He must say, however, that he believed that it would be found advantageous

to bring before the House the particulars of pensions granted out of that fund. Of the salutary effect which might result from the House thus taking cognizance of the mode in which, and the persons to whom, pensions were granted, an illustration was presented in a case which had been that evening alluded to—he meant the pension of the Duchess Dowager of Newcastle. Immediately after that pension had been spoken of in the House, it was resigned by her Grace. He did not think, that the right hon. Gentleman was justified in calling on the Ministers to deliver their opinion on this occasion. The motion was for an Address to procure the copy of a warrant, granting a pension to Mr. Arbuthnot; with that pension the present Ministry had nothing to do. The right hon. Gentleman had been for a long time Secretary to the Treasury under the Administration of Lord Liverpool; and in that office he had been instrumental in the appointment of a great number of pensions, and was therefore fully competent, either to answer any objectionable remarks of the Gentlemen who had spoken from the other side, or to suggest to the persons who were at present honoured with his Majesty's confidence, the course which it might be most advisable for them to take respecting the settlement of the Pension List. But if he (Sir J. Graham) mistook not, the Government, of which he was an humble member, would take a middle course, and adopt such measures as should at the same time secure the honour and dignity of the Crown, and the integrity of the Constitution, and give satisfaction to the people. The hon. member for Boroughbridge had given to his Majesty's Government advice, of which the kindness, no more than the earnestness, was to be mistaken, and of which the import seemed to be, that they ought not to dissolve Parliament. Now, that hon. Gentleman had seen the difficulties with which Ministers had had to struggle, and he therefore doubted whether they would keep their pledges. But he could assure the hon. Gentleman, that although there were, as the hon. Gentleman seemed to intimate, some seats in that House which had hitherto, for the most part, been occupied by Gentlemen supporting the Administration of the day, then held by opponents of the Government of which he was a member—although the places so represented might send to a new Parliament Gentle-

men, who would give his Majesty's advisers their support—yet the present Ministers would keep their pledges—would press steadily on in their course—would scorn all indirect or illegitimate influence—would bring forward their measures on the merits alone of those measures themselves. He did not mean any taunt, but he would say, that his Majesty's Ministers were resolved not to submit tamely to defeat. They would not be awed by threats in that House or out of it. If defeated there, they would go to the people. If defeated by the House of Commons, in measures which they conceived calculated to rescue the nation from peril, they would take the sense of the nation itself; and, whatever might be the national decision, he (Sir J. Graham), for one, would content himself with the reflection, that he had done his duty. He would meet the hon. Gentlemen, whether as friends or enemies, sitting on this side of the House or on that, to discuss in fair argument any measures for the safety of the nation.—In his present course, however, he would proceed, conscious that he was acting with men governed by a high and firm sense of duty.

Sir G. Clerk was surprised to hear from the right hon. Baronet, that Ministers had nothing to do with the great constitutional question which had been brought under discussion. Had they remained wholly silent, he should have supposed that they meant to propose that the Crown should receive no sum to grant for pensions; and he was, therefore, glad to hear that they meant to steer what the right hon. Baronet called a middle course. The right hon. Baronet threatened to appeal to the nation, should Ministers be defeated by the House; he forgot that such defeat might be attended by circumstances which would deprive the present Administration of the power to make such an appeal.

Colonel Sibthorp expressed great satisfaction at the speech of the right hon. Baronet opposite (Sir J. Graham). He was sure that speech would give equal satisfaction to the nation.

Motion agreed to.

PRINTING PETITIONS.] Mr. Q. Dick moved, agreeably to notice, that the petition of Sir Harcourt Lees, presented on the 21st of December, for the repeal of the Act of Abjuration, be printed.

Mr. C. W. Wynn objected to the Motion. It was contrary, he understood, to the rule adopted by the House, and if the petitions of individuals were to be printed at the expense of the public—a course which he would never recommend—they would adopt that method of making their sentiments known to the world.

A division took place, when there appeared,—For the Motion 4; Against it 44—Majority 40.

THE GROWTH OF TOBACCO IN IRELAND.] Lord Althorp rose to postpone the Bill for prohibiting the growth of Tobacco in Ireland, till after the recess. His Lordship fixed Thursday, February 3rd, for discussing the measure.

Mr. Warburton expressed his regret that the noble Lord should postpone the Bill. It appeared by the evidence before the Committee, that there was no reason whatever for allowing the growth of tobacco in Ireland, and he hoped, therefore, that the Bill would have been passed one stage that evening.

Lord Althorp observed, that he had fixed it for the first day the House would meet after the recess. He had no intention whatever of giving up the Bill.

Mr. Hume declared his intention of supporting the Bill.

Lord Valentia gave notice that he would oppose the Bill in every stage.

O'Gorman Mahon wished to enter fully into the subject, when he was called to order by

The Speaker, who informed him, that the Bill was withdrawn, and that there was no question before the House.

MAGISTRACY OF IRELAND.] O'Gorman Mahon moved for a Return "Of the number and names of those at present in the commission of the peace in each county, city, and town in Ireland; distinguishing in each the number and names of clergymen and laymen; also, distinguishing the names of the Magistrates in each department who have qualified to preside on Road Sessions, and specifying the number and nature of offices, (if any) civil or military, under the Crown or otherwise, held by each or any of such Magistrates, and the probable amount of salary or pay derived therefrom;—such Return to distinguish also the number and names of those Magistrates appointed under city or corporate authority, from those deriving

their commissions of the peace from the Lord Chancellor; also, a Return of the number and names of those who have been appointed Magistrates in each county, city, and town in Ireland, since the year 1810, with the names and number of those who have been superseded in that period, up to the latest time."

Mr. C. W. Wynn doubted whether the whole of these Returns could be made out. The Clerk of the Peace could, undoubtedly, give the names of those who held commissions as Magistrates; but he had no means whatever of knowing what offices they might hold, or what salaries they might receive. It was impossible that the Returns could be made out, and he suggested, therefore, to the hon. Member the propriety of withdrawing his Motion.

O'Gorman Mahon only wished the Returns to be made out as far as possible. He did not expect to obtain all the information that he required; but, let the Return be as defective as possible, he was the person, not the right hon. Gentleman, to complain of that.

Mr. Hume thought, that much difficulty would arise in ascertaining the meaning of the word "offices." For instance, an attorney was not an officer, and how an attorney could be described according to the Motion he did not know. Certainly, the Return could not be made without great difficulty.

O'Gorman Mahon did not expect to have been met by so many frivolous objections. The Motion would be intelligible enough to those by whom the Return must be made. Hon. Members could not expect that he should be answerable for their want of acquaintance with facts which were well known in Ireland.

Lord Tullamore opposed the Motion, on the ground that as there was a change in the Chancellorship of Ireland just taking place, to make such a Return at present would be extremely inconvenient.

Mr. Spring Rice said, as the Motion was decidedly objected to, he would recommend the hon. Member to withdraw it, and give notice of his intention to submit it again on some future occasion.

Lord Althorp said, that it was certainly the usual custom of the House, when a decided objection was made to a motion for Returns which was expected to be agreed to as a matter of course, to withdraw it for the time, and to give notice for some future day. On looking at the Motion,

he saw nothing objectionable in it; but if the noble Lord opposite entertained a different opinion, he had undoubtedly a right to oppose it, or to ask that it should be withdrawn, and notice given of an intention to submit it on a future occasion.

Mr. Ruthven was of opinion, that the Motion carried something invidious on the face of it; and he should support the noble Lord in opposing it.

O'Gorman Mahon could not recognise the principle upon which opposition was made to his Motion. He could not conceive upon what principle the Chancellor of the Exchequer, after having induced him, almost as a personal favour, to postpone his Motion on a previous night, should then call upon him to postpone it again. Had he divided the House at that time, he was sure that he should have carried the question by a strong majority; but in a spirit of courtesy towards the noble Lord, he postponed it; and he would then appeal to the candour of the House to decide, whether that postponement, under the peculiar circumstances attendant on it, ought not to be considered in the light of a virtual notice of his intention to bring forward the Motion again, particularly as he then distinctly announced that intention. Since that time, he had new modelled the Motion in such a manner as he deemed best calculated (without relinquishing his own view) to do away with the objections of some of the extremely fastidious persons in that House, who, if their knowledge of the matter were inquired into, would probably be found to know as much about the subject of the Motion as those who at that moment, might be enjoying themselves in Kamtchatka. His late Majesty's Attorney-general (Sir Charles Wetherell) — one of the most sensitive plants he had ever met in that, or any other House — shrunk back, with well-feigned horror, some evenings ago, at the very name of his proposition. He had extracted from the Motion those words which were objectionable in the eyes of the hon. and learned Gentleman; and then he came to ask on that, the last night of the sitting of Parliament — the last moment to which his duty would allow him to postpone it — that the Return (with the respective adjuncts enumerated) of those who are in the commission of the peace for Ireland, should be laid on the Table of the House. Could it be alleged that there was anything unfair in that, or that those

persons could be ashamed of having their names made public? After what had passed that evening, it became the duty of every hon. Member to institute inquiries, and to ascertain how things were really to be conducted in Ireland. An almost endless variety of subjects had already been brought forward, but they had been all, on one account or another, invariably put off until after the recess; and when the House met again, a hundred other subjects would demand and obtain precedence. What good had been yet effected for the people of Ireland? He wished to be useful in his own department—to work for the benefit of his fellow-men at his own little ant-hill. He did not wish to interfere with any of the mighty projects which would doubtless be brought forward in that House, but merely to discharge his duty on those humbler, but not less important, subjects to his constituents, in which they were deeply interested. When he reminded the noble Lord, that the portion of the kingdom which he represented was that which had been considered the most turbulent and dissatisfied; that the people there were in consequence of the neglect (he might almost say, the contempt) of Government, reduced to a state of the most extreme destitution; that their grievances were heavy, and only equalled by their patience; when he reminded the noble Lord of that, it would, he hoped, at least deter him from treating an important proposition, twice brought forward by one of their freely chosen Representatives, with any appearance of inattention or neglect; it should induce him not again to ask for a postponement of this Motion—to which he (O’Gorman Mahon) could not and would not accede. The humble and the poor orders of his countrymen were deeply interested in obtaining an upright and pure class of Magistrates; his motion would tend to obtain that blessing for them; the information it would procure was most important to a due consideration of the real state of Ireland: and for these reasons he must decline following the advice of the noble Lord, or of the hon. member for the City of Limerick; he was determined that the House should say whether or not the Returns should be made. He had endeavoured to shape the Motion in as conciliatory a manner as possible, and, if no other man would support it, he would go below the bar himself. His constituents, when they elected him, did not

mean that he should allow himself or them to be trifled with; and by Him who made the world, he would that night have from the English House of Commons either a conclusive affirmative, or a positive negative! Was he, in coming forward in a conciliatory manner, to be told that the Motion must be again postponed? He would not postpone it; he would have the decision of the House upon it at once. It was hourly becoming evident to all, how matters relative to Ireland were disposed of in that House. That very evening several measures had been mentioned and disposed of, as if of no importance; among others, was that most important one, to prohibit the growth of tobacco in Ireland;—that measure, whenever it came forward, he would resist to the very utmost of his power and ability; and he could tell the hon. Member for Middlesex, easy a victory as he anticipated, that when it came under the consideration of the House, it would meet with a much more serious opposition than he imagined. Was the House aware, that if the measure should be carried, and the cultivation of tobacco prohibited in Ireland, thousands of poor, even from the youngest children to the oldest men, and females of all ages, would be thrown out of employment, and consequently deprived of the means of honestly supporting themselves? [*“Question from Mr. Warburton.”*] The hon. Gentleman called “question!”—he should have enough of question, and should have answer too. He was not surprised, that the hon. Member should call out “question;” because he was then touching upon a subject which was neither familiar nor agreeable to the hon. Member; but he would tell the hon. Gentleman, it was a question too deeply interesting to every Irishman to be got rid of as the hon. Gentleman wished. No Government could expect the support of independent Irish Members, if it did not recognize the fair, legitimate, undoubted rights of Ireland—and freely to grow tobacco was one of them. The question came to this:—A starving and numerous population demanded employment; would the House allow them the means of sustenance, or would it deprive them of those means by prohibiting the growth of tobacco? The answer was a short one:—if it did, it would violate the Treaty of the Union. By the laws, Ireland was entitled to cultivate this plant freely;

if the Parliament deprived her of that right, it would cut the painter between England and that injured country. Parliament had then been assembled six or seven weeks: and during that time, though almost all the Irish Members had spoken on the subject, there was but one who declared he would support the repeal of the Union. After what had occurred that night, when the hon. member for Waterford should bring the question forward, he should not want a seconder in that House; and he would venture to predict, that, from that time forward, there would be, not one, but two, and three, and four, and five, and up to ten and twelve, and, before the next Session, even twenty Members in favour of the Repeal. How could he go back to those who sent him there, and tell them that he would support a connexion which would deliberately deprive hundreds and thousands of them of the means of existence? He was bound by no pledge—his constituents elected him unshackled and unchained by any promise as to the political course which he should pursue. He had given them no intimation as to his intention either to support or to oppose this Government or that; but the very manner in which they thought proper to elect him, and the unlimited confidence thus placed in him, bound him more closely, by a thousand degrees, to the interests of his constituents than if he had given all the pledges of all the Members, English, Scotch, and Irish, put together. His gratitude to those who placed him, a free and independent Member, in that House, would be incomplete, did he not prove, that the trust they had so generously reposed in him was not misplaced. The manner in which Clare, his native county, conferred its confidence on him, was a much higher source of pride and gratification than the mere seat he occupied in the Assembly. From his place he openly proclaimed, (though conscious that no one would cheer the sentiment) that, as he had ever been, so would he be, a staunch friend to the repeal of the Union. It should always receive his best and most strenuous support; and when he said that, he knew that he spoke the sentiments of the county he represented. He stood there singly—amidst the many who were opposed to him—and those who would applaud and support him in those sentiments were far away—but he heeded

it not, nor would he shrink from the avowal of his determination. That was the last time he should have the opportunity of addressing the House for some weeks:—and he wished it to remember his prediction—Before the conclusion of the Session, many Members would be found to stand up with him in favour of a repeal of the Union, and to express an anxious desire to cut the Legislative connexion between Ireland and England; many would desire to establish a separate Legislature in Ireland—before which the people might unfold their griefs with the prospect of obtaining attention. If Ireland was always to be treated as she had been treated that evening, how could the Government, or how could the House expect, that the men of that country would range themselves under the Legislative banner of the United Kingdom to fight its battles? It would not—it could not be done. A repeal of the Union must take place; and, reverting to Clare, he could say of his colleague, who once presented a petition on this subject, but declined expressing concurrence in its prayer, or giving any opinion on the subject, that if he did not support that repeal, he would not—he could not—he should not again be returned for that county, [*Order! order!*] He meant merely to state the simple fact that his colleague, except on certain conditions, would not again be returned for the county of Clare, and he apprehended that there was nothing irregular in that.

Sir Richard Vyvyan: the hon. Member said, that his hon. colleague should not be returned. If, however, he intended only to say that he would not be returned, there was certainly nothing irregular in the expression; but to say that an hon. Member should not be returned, implied a future threat.

O'Gorman Mahon—was speaking of a period to come—his hon. colleague was then member for Clare; and he said, that if he did not adopt a particular course, with respect to a particular measure, he would not and should not be the Member again. Would the hon. Gentleman have him, when speaking of the future, apply the signs of the present or of the past tense to the case of his hon. colleague, when in reality he meant the future, and distinctly said what he meant,—that he would not, and should not, be again member for Clare, unless he advocated the repeal of the

Union? If the hon. Gentleman wished him to promote such confusion of signs and tenses, he would willingly oblige him, did not the rules of grammar forbid it? but he apprehended, that his real object was to interrupt him, and such a course was both uncalled for and improper. Indeed, there existed in the House too great a desire to interrupt those who were honestly acting in the discharge of their duty, and who did not fear to state the truth, however unpalatable it might be.

The *Speaker* called the hon. Member to order. The hon. Baronet had very satisfactorily explained the reason of his interruption. It arose from a critical distinction between the terms shall and will, and to English ears, a meaning was often attached to the one, which would not apply to the other. The hon. Baronet in this instance, thought that the word "shall" implied a menace. He was speaking to order, he did not interrupt the hon. Member for any other reason than to set him right with the House. Having said this upon the subject of the call to order, he thought he need hardly point out to the hon. member for Clare, that he should not attribute to the House a desire to close its ears against the truth. He was quite sure, that the hon. Member would feel, on reflection, that to attribute such a disposition to the House, was not only not in order, but not quite correct.

O'Gorman Mahon was obliged for the pains which the Speaker took to set him right with the House; he must repeat, however, that his hon. colleague, except upon such conditions as he had stated, would not, and should not, again be returned for Clare. In alluding thus to his colleague, he merely wished by it to indicate his consciousness of the sentiments of their constituents, and of those of many other county Members. The House would permit him to add, that when he made use of the observation which had been found fault with, he did not mean to include the whole House in the charge of indisposition to hear the truth. He merely meant to say, that there were some particular Members who had an antipathy to the truth, and who did not hesitate to interrupt those who spoke it, and of this the House had had proof, more than once during the evening. There would, however, no longer be one man only, but twenty, calling for a repeal of the Union; the Table of the House would be crowded with petitions

praying for this object, which would be sufficient to show the Government, that something must be done for Ireland. That country sent 100 nominal Representatives to Parliament, for the greater part of them were any thing but Representatives; and the efforts of those who had a claim to the character of Representatives, to better the condition of their country, were overpowered and borne down by the voice of the majority of the other 558, returned by England and Scotland; and so long as this disparity existed, powerful as Ireland was, she must remain a neglected, a suffering, and an impoverished country. Seven or eight millions of Irish, could not be adequately represented by 100 men, let them be ever so good. In times like these, however, it could not be expected that she would long continue in a state of tame subservience. If employment, at least, was not afforded to her population, to as great an extent as hitherto, tumult must follow. The people would not lie down and starve in the ditches. The Act of Union ordained, that the growth of tobacco should be allowed in Ireland, for the benefit of the people, and the privilege was given to Ireland expressly for them! If that privilege were taken away, the Union must be dissolved; and when the question came before the House, he would call on every Member connected with Ireland to do his duty, by supporting the Repeal of the Union. To revert to the subject of his motion: he would tell his Majesty's Government, that if they wished the Irish Members to be united to them, they must not treat the measures for the protection and service of the Irish with neglect. After having postponed this Motion from day to day, as a matter of convenience, either to the noble Lord, the Chancellor of the Exchequer, or to other Members, he put it to the House, whether he had not a right to express something like a sense of wrong, at the manner in which it was attempted to be thrown over. He would only add, that unless some different course was adopted towards Ireland and her Representatives, before the end of eighteen months, more than half of the Irish Members would declare themselves in favour of a Repeal of the Union. He would divide the House on his proposition, if it were opposed.

Lord *Althorp* had already told the hon. Member, when he shewed him his propo-

sition, that he saw nothing objectionable in it, and for his own part he did not object to it; but since other hon. Members had raised an objection, he was disposed to support them in the usual practice of the House, which required that the Motion should be withdrawn and notice given. He would remind the hon. Gentleman, however, when he had become such a warm advocate for the Repeal of the Union, on account of the treatment he had received that evening, that the objection to his Motion originated with an Irish, not an English Member. His Majesty's Ministers meant certainly to persist in bringing forward any measure which they thought beneficial, notwithstanding the threats of any hon. Member. He should be extremely sorry to lose the support of the hon. member for Clare, and other Irish Members, but he should like much less to lose the approving feelings of his own conscience. He was convinced that no evil could result from the adoption of his proposition, but much would result to both England and Ireland, if a stop were not put to the growth of tobacco in that country. It was possible, that the Repeal of the Union might gain some advocates; but not, he believed, by the measure he intended to introduce.

Lord *Palmerston* stated, in answer to what his noble friend had said, in answer to the observations of the hon. member for Clare, that although his Majesty's Ministers were anxious for his support, as well as that of every other hon. Member, yet if the hon. member for Clare supposed that they would be deterred from proceeding with any measure they might deem advisable, from the threat of his opposition, he would find himself much mistaken; and more so, if he thought, by the menace which he had thrown out, that he would obtain his object. [*O'Gorman Mahon* had not used a threat, or made use of any words tantamount to one.] The hon. Member said, and the House generally understood him to mean, that he would, if this measure were carried into effect, use all his endeavours to promote a Repeal of the Union, and that, in the course of six months, Irish Members would be compelled to pursue the same line of conduct as himself. Was not that equivalent to saying, that the consequence of this measure, would be the separation of the two countries? He would tell that hon. Gentleman that, however anxious

his Majesty's Government might be for his support, as for that of all other Members, it would never be deterred from bringing forward any measure which it might deem beneficial; and that it was prepared to meet him on the question of the Repeal of the Union, or any other question, whenever he or any one else might please to bring it forward.

Mr. *Warburton* had read the motion of the hon. Gentleman since he proposed it, and finding it of a very different nature from what he expected to find it from the tenor of his speech, he should be happy to give it his support. He thought the hon. Member moved for a return of all Magistrates having offices,—such as attorneys and the like,—but his Motion only applied to offices of a public nature, and to which a salary was affixed—that is, in short, to all civil or military offices. To this he conceived there could be no well-grounded opposition; but to the Motion, as he previously understood it, there would be many objections. The hon. Member had charged him with calling "Question!" He was mistaken—he had not called question, but, if he had, the hon. Gentleman would excuse him for saying, that the discursive nature of his speech would have afforded a better justification in resorting to that custom than was generally the case.

Mr. *Ruthven* was in hopes that the subject would have passed off without observation, for he was sure that what had passed that evening would not tend to allay the angry feelings which prevailed in Ireland. He hoped that his Majesty's Ministers would, during the recess, turn their attention seriously to the situation of Ireland, and bring forward some measure—not calculated, like that of the noble Lord, to excite disturbance, but to promote tranquillity. He should be sorry to sink in the good opinion of his countrymen, but he was prepared to meet all the consequences of the course of conduct which he was resolved to pursue. He would, notwithstanding any language which might have the appearance of intimidation, do as he had hitherto done in the House—speak, honestly and fearlessly, his opinion; and he repeated then, as he had before stated, that any measure likely to lead to the separation of the two countries would meet with his most strenuous opposition. He was decidedly favourable to the Union, though he did not mean to say that it was impossible for circumstances to justify its

repeal; but if unhappily such a proceeding should become necessary, he would only listen to it on the principles of the British Constitution. He hoped, that we should not see in Britain anything like those revolutions which had disturbed the Continent of Europe. He trusted that the Union with Ireland would be preserved; but if the dissolution of it should be necessary, he trusted that it would be done in accordance with the principles of the British Constitution, and by legitimate means.

Mr. *Fyler* could not let the idea go abroad, that the hon. Member, as well as any other Irish Member, did not get a patient hearing on a subject connected with that country. He would tell the hon. member for Clare, that an Irish question was listened to in the House with as much attention as an English question. The insinuation that there was an unwillingness to listen to an Irish Member patiently, was without foundation. With respect to his observations respecting Irish Members being compelled in a short time to come forward and advocate a repeal of the Union, he would tell him, that some hon. friends of his, Representatives of places in Ireland, would be deterred by no threat from coming forward and stating their opinions manfully against the repeal of the Union. He was sure, that his Majesty's present Government would support that Union at all times, and would never consent to a separation of the two countries, and he believed that nearly every honest and enlightened man in the country would support them on that question.

Mr. *Callaghan* wished, as the hon. Member had challenged Irish Members, to give their opinions on the subject of the Union, to occupy the attention of the House for a very few minutes; but he also wished it to be distinctly understood, that he should not be induced to lend his support to the hon. Member in consequence of the philippic he had uttered against all those who would not support the Repeal of the Union. As he was the Member of a large commercial city, and the second place in importance in Ireland, he would declare his sentiments on this subject. He did not believe that the respectable portion of the Irish people were in favour of the Repeal; on the contrary, he considered them to be directly opposed to any such scheme. At the same time he could not conceal from himself, that many persons

of great influence were of a different opinion, and one in particular, an hon. and learned Member of that House, who possessed the highest talents, and who, he was sorry to say, had exerted them in exciting a ferment on this subject. He could not contemplate the result of their proceedings without dread, as he conceived they might lead to consequences full of horror: it was even possible that they might lead to revolution and civil war. He, therefore, would fearlessly enter his protest against any measure of the sort. He had no doubt that his constituents in general coincided with his view of the subject, and, indeed, he could say, that the advocates of the Repeal of the Union met with little encouragement at Cork. The inhabitants of that city were as respectable as any in Ireland: and he felt assured that their opinions exactly agreed with his own. It was clear to him, that the advocates of that measure had nothing else in view than the independence of Ireland, and a total separation and disunion from England. The hon. member for Clare, told his Majesty's Ministers that, in case of a dissolution of Parliament a great number of Members would be returned from Ireland, and especially from popular places, pledged to support the Repeal of the Union. Notwithstanding that, and notwithstanding any charges which might be brought against him for opposing such a project, he was determined steadfastly to support, with all his power and humble abilities, the continuance of the Union; and he should appeal to his constituents with perfect confidence, being satisfied that he should meet with their support in endeavouring to preserve the Union with England.

Mr. *Leader* protested against the language used in the course of the debate, and also against the introduction of extraneous subjects into the discussion. He came down to the House with the intention of giving his strenuous opposition to the measure of the noble Lord, and that measure was postponed. He considered this act of Ministers as putting a complete stop to a species of cultivation in Ireland which was rapidly increasing. He was prepared to shew, that the measure would occasion great distress in that country, and would not be at all beneficial to the revenue. As to the Repeal of the Union, he must say, whatever excitement might prevail in Ireland on the subject, that it

would not extend. Like the hon. Member near him, he wished that measures should always be discussed in that House with coolness, and without any angry feelings.

Lord *Tullamore* expressed his regret, that he had been the innocent cause of calling forth such a strong expression of feeling. When the hon. member for *Clare* brought forward his motion, he thought that he had not given notice of it; but when he found that he had, and that the noble Lord, the Chancellor of the Exchequer, saw nothing objectionable in it, he was bound to withdraw his opposition to it.

Motion agreed to.

DISTRESS AND EMIGRATION — IRELAND.] Mr. *Callaghan* presented a Petition, signed by 100 persons, being Coopers, residing in the city of *Cork*, stating, that they are almost in a state of starvation, and praying the House to afford them the means of emigrating to British America. He begged leave to call the attention of his Majesty's Ministers to the subject, under the hope that they might take the case into consideration. The petitioners stated, that their present condition had been caused by the operation of an Act of Parliament, which passed the Session before last, for the purpose of regulating the butter trade of Ireland. They did not arraign the wisdom of the Legislature for passing that measure, but they wished to inform the House, that, in consequence of it, they had been reduced to a state of the greatest distress. There were no public institutions or funds at *Cork* for the relief of these poor persons; and the resources of the Mendicinity Society were exhausted long ago. He agreed with the petitioners in their prayer, to remove them to our colonies in North America, which would be desirable, not only for the sake of humanity, but also because such a number of distressed persons might at any time occasion much mischief in a large commercial city like *Cork*.

O'Gorman Mahon said, that the hon. Member had asked his Majesty's Ministers to take the subject into their consideration with a view to relieve the distress of those persons, and in almost the same speech he said, that he should most strenuously oppose the Repeal of the Union, which was the chief cause of the distress. The hon. Member called upon Government for assistance, because the

poor man could not support himself and family, and the noble Lord had introduced a measure which would increase the distress, by preventing the growth of tobacco in Ireland, and by preventing the employment that cultivation afforded.

Mr. *Callaghan* replied, that the petitioners did not impute their miserable condition to the Union, they merely prayed for relief; nor did he bring any charges against the Government, or say that the measure which ruined them was not devised with a view to the permanent good of the country. They considered their condition in a proper point of view; as occasioned by the superabundance of labour compared with the amount of capital, or means of employment. To this statement they confined themselves, and prayed the House to save them from starvation, and afford them the means of emigrating. Such was the language made use of by the petitioners.

Petition to be printed.

CLAIMS OF THE CHURCH.] Lord *Lowther* presented a Petition from certain land-owners in Westmoreland, stating, that they had lately been compelled to pay tithes for property belonging to them which had not been called upon to pay tithes for the space of 500 years before; and praying the House to fix a period, after which, if payment of tithes should not have been claimed, it should not be lawful to recover. The noble Lord said, he had always felt it to be a hardship that, after any lapse of time, tithes were recoverable, and he should like to know whether the hon. and learned Member opposite, whom he saw in his place, and who was a member of the commission to inquire into real property, meant to bring forward any measure on the subject.

Mr. *John Campbell* said, that he felt the evils of this subject very strongly, but he thought the matter would be better in the hands of the noble Lord than in his. If, however, the noble Lord should decline the task, he would himself bring forward a motion on the subject.

1831.

HOUSE OF LORDS,

Thursday, Feb. 3.

MINUTES.] Petitions presented. For the abolition of Negro Slavery, by Lord KENYON, from Dissenters at Denbigh:—By the Duke of GORDON, from Portsorrel. By the Duke of RICHMOND, from the Chamber of Commerce of Galway, for an extension of the Galway Elective Franchise.

The LORD CHANCELLOR gave notice, that he would, on that day fortnight, introduce a Bill for the better Administration of Justice in the Court of Chancery, and for the better carrying into effect the Laws relative to Bankrupts.

DUTY ON COALS.] The Marquis of Londonderry said, he had to present to their Lordships a petition, similar to many others which had been laid on their Lordships' Table. It came from the town of Belfast, in the North of Ireland, and prayed for a Repeal of the Duties on Seaborne Coals. He believed that it was the wish of the Ministers of the Crown to make this country feared abroad, as well as to establish peace and prosperity at home; and to effect the latter object, it was necessary, as far as possible, to remove the existing distresses of the people. He therefore called on them to inquire into the propriety of repealing this tax. There was no impost which bore so severely on the people; and it operated with peculiar hardship on Ireland. He wished to ask the noble Earl, what was the intention of his Majesty's Government with reference to this subject?

Earl Grey said, that before the recess a question had been put to him relative to the point adverted to by the noble Marquis. He had then stated his feeling as to the nature and principle of this tax; and his opinions with respect to its policy, and its pressure on the country, as described by the noble Marquis, were not concealed from the public. All that he now could state to the House, in answer to the noble Marquis, was, that the subject had been attentively considered by his Majesty's Government, and that, in a short time, when the whole financial situation of the country was laid before the other House of Parliament, the views of his Majesty's Ministers on this subject would be explained. Until that time arrived he begged leave to refrain from making any further disclosure.

Laid on the Table.

PARLIAMENTARY REFORM.] Earl Grey rose to present petitions in favour of Par-

liamentary Reform, from Northumberland, from Carrickfergus, from Bishop's Auckland, from Dumbarton, from Dingwall, from Inverary, and from several other places. The noble Earl observed, that in presenting those petitions, it could not be necessary for him to state, that though his opinions did not go the length of acceding to every proposition contained in them, yet that, in the propriety of the general measure the petitioners prayed for—namely, Parliamentary Reform—he entirely concurred. He had stated in the present session of Parliament, that he was convinced, at a very early period of his life, and he was now, after giving the subject much consideration, of the same opinion, that very salutary effects would ensue if a constitutional reform were carried into effect. He had looked to this important question with a view to the adoption of some effectual and efficient measure: and he was happy to say, that although it had for a long period been a work of considerable difficulty, Ministers had at last succeeded in framing a measure which perfectly corresponded with the prayer of one of those petitions—a measure which would be effective, without exceeding the bounds of a just and well-advised moderation. It had received the unanimous consent of the whole Government, and would, at as early a period as possible, be submitted to the other House of Parliament, where it was proper that it should be first considered. He made the present statement at this early period of the Session, in order that their Lordships might be apprised of the intentions of Government; and having said this, he recommended those petitions to the attention and consideration of the House.—Laid on the Table.

The Earl of Darnley said, it was his duty to present a petition of the same nature from that district of Kent with which he was more immediately connected; and he took that opportunity of congratulating their Lordships on the circumstance of this important question having been taken up by Government. He trusted, seeing it in such hands, that the just expectations of the country would not be deceived. No man amongst their Lordships more earnestly deprecated that wild reform, denominated Radical Reform, which had universal suffrage for its basis, and which, in his opinion, would lead to anarchy and revolution, than he did;

but he was perfectly convinced, that the period had now arrived, when the general, he might say the unanimous, feeling of the country—the feeling of those who were enemies to disorder, he meant the middle classes, amongst whom education was extensively diffused—was in favour of a measure which should embrace all the essentials of reform. Another point which earnestly demanded the attention of their Lordships was, the present situation of Ireland, and he must express a hope, that the agitation which unfortunately prevailed there would be removed by the introduction of measures for the amelioration of the state of that country. He earnestly hoped that Ministers were turning their serious attention to that subject. He deeply regretted that the healing measure which had been carried by the noble Duke opposite had not yet produced all the good which was expected from it, and which, in the end, it was, he thought, calculated to effect. He hoped, too, that their Lordships would not go on, as they had done in former Sessions, talking about the state of Ireland, but doing nothing to improve it. Above all things, there ought, in his opinion, to be some permanent provision made for the poor of Ireland. Such a measure must come at last: he was quite convinced that it was necessary, and well persuaded that it was just and proper.

Viscount Melbourne said, that with respect to the question of Reform, the statement made by his noble friend was a sufficient answer to what had fallen from the noble Earl who presented this petition; and he trusted would also fulfil the just expectations of the people. But as the noble Earl had mentioned a subject which was immediately connected with his (Lord Melbourne's) department—he meant the state of Ireland—and recommended that measures should be adopted for the amelioration of that country, it would, he hoped, be a satisfaction to the noble Earl, and to the House in general, to be informed, that, notwithstanding the difficulties which Ministers had had to contend with since their accession to Office, every attention had been given to the formation of those remedial measures which they felt to be necessary for the safety and welfare of the sister island. The noble Earl said, he trusted that Parliament would not act in this Session as it had done in preceding Sessions—that

their Lordships would not consume time in talking merely, but that something would be done. He, however, must take leave to observe, that all these preliminary discussions which the noble Earl seemed inclined to disparage, were of great use in enlightening the public mind with respect to Ireland. Some time ago a report was laid before the House of Commons on the state of that country, and subsequently laid before their Lordships on the motion of a noble Lord;—and to all the matters contained in that report his Majesty's Government had paid particular attention. He doubted not, that by adopting certain suggestions contained in it, much good would be effected in Ireland. To that great abuse, the Grand Jury Assessment Taxation, Ministers had given their utmost attention, and, to correct the evils of the system, they had a measure in view, which must, however, originate in the other House of Parliament. As the system had been long acted upon in Ireland, it was a matter of very great difficulty to devise means by which it could be amended; but he trusted, that the measure to which he had alluded would be found to afford a sufficient remedy. A great deal of excitement existed in that country, with respect to two other measures, which had been passed seven or eight years ago—he meant the Vestry Act and the Subletting Act. With respect to the Vestry Act, it was intended to repeal the former bill, and to frame other provisions. As to the Subletting Act, a bill was prepared, retaining the principle of that Act, but embracing provisions of a sounder and better description, and divested of every thing of an objectionable character. With respect to tolls levied by Corporations, which was a burthen said to press heavily on the people of Ireland, Government did not propose to introduce any legislative measure; but the Government of Ireland intended to try at law the right which was claimed to levy many of these tolls, and relief might be thus expected. As to making a permanent provision for the poor of Ireland, it was a subject on which he was not competent to deliver an opinion; but, with respect to affording temporary employment to them, giving them relief, and removing that heavy and severe distress which pressed on the country, Ministers had a measure in contemplation which would, in a short time, be submitted to Parliament. He was anxious, for the

sake of expediting the public business, that some of those measures should originate in that House; but they were, with the exception of the Subletting Act, of such a nature as precluded him from taking that course. The new Subletting bill he would submit to their Lordships.

The Earl of Wicklow said, when he heard, that extensive and numerous measures relative to Ireland were about to be brought forward by the Ministers of the Crown, he could not help fearing, considering the shortness of time during which they were in power, and the important business, foreign and domestic, to which their attention had been called, that in their great zeal they were hurrying into plans of a crude and undigested nature, which would be fraught with serious evil to that country. The noble Lord had mentioned several measures of great importance, which, he said, the Government had already digested and prepared. The only hope he had was, that they had taken up some measures which had been entertained by their predecessors, because he was sure that there was not time for them properly to consider and concoct such measures themselves.

HOUSE OF COMMONS,

Thursday, Feb. 3, 1831.

MINUTES.] The SPEAKER acquainted the House that he had, agreeably to the Act of Parliament, issued his Warrant to the Clerk of the Crown, to issue a New Writ for the Borough of Beaumaris, in the room of Sir ROBERT WILLIAMS, deceased.

Mr. HUNT, Sir H. HARDINGE, Lord WM. RUSSELL, Mr. TENNYSON, Mr. JEFFERY, and Mr. PRAED, took the Oaths and their Seats.

New Writs. For the County of Kilkenny, in the room of Lord DUNCANNON, who had accepted the office of Chief Commissioner of Woods and Forests; and for the Borough of Windsor, in the room of Sir H. VIVIAN, who had accepted the office of Steward of the Chiltern Hundreds, were moved for by Mr. ELLICE:—For Peebleshire, in the room of Sir J. MONTGOMERY, by Sir G. GLERK.

Notice was given by Mr. ELLICE, in the absence of the CHANCELLOR of the EXCHEQUER, that his noble friend would, on the 10th of March, move that certain Papers, relative to Windsor Castle and Buckingham Palace, should be referred to a Committee of the House; that he would also move to refer certain Papers relative to the Rideau Canal to a Committee; and on the 14th of February, would move for leave to bring in a Bill, for the more effectual prevention of Smuggling:—By Mr. HUNT, that he would, on March 3rd, move for a total Repeal of the Corn Laws:—By Mr. O'BRIEN, for leave to bring in a Bill on February 8th, to provide for the aged and infirm Poor of Ireland:—By Mr. Alderman WOOD, that on the 22nd instant he would move for various Returns relative to Pensions and Salaries; and would also move for leave to bring in a Bill to prevent the spreading of Canine Madness:—By Mr. G. LAMB, that he would, on the 10th of March, move for leave to bring in a Bill, to amend the Law relative to Vestries in Ireland; and on the 22nd of March

he would bring the subject of the Grand Jury Laws in Ireland under the consideration of the House.

Bills brought in. By Mr. HOBHOUSE, for the better regulation of Select Vestries, and the management of Parish Accounts throughout England and Wales.

Returns ordered. On the Motion of Lord MORPETH, of all kinds of Woollen Cloth, and Woollen Yarn Baizes and Carpets, exported from the 5th of January, 1829, up to the 5th of January, 1831.

Petitions presented. For the speedy abolition of Slavery, by Sir R. FERGUSON, three from persons in Scotland:—By Mr. DENISON, from Godalming. For the Repeal of the Assessed Taxes, by Mr. DENISON, from Christchurch, Surrey:—By Mr. HUME, from the parishes of St. Ann, Westminster; St. Luke; and St. Philip and Jacob, Bristol:—By Mr. Alderman THOMPSON, from the Inhabitants of the Ward of Cornhill. Against the Truck System, by Mr. KENNEDY, from Ayr:—By Sir JOHN WROTTESLEY, from the Mechanics and Shopkeepers of Wolverhampton. For Parliamentary Reform, by Lord GARLIES, from the Inhabitants of the Borough of Wigton:—By Mr. JOHN CAMPBELL, from the Borough of St. Andrew's, and signed by a number of the Members of the University:—By Mr. KEMP, from Lewes. For the Repeal of the Duty on Coals, by Mr. N. CALVERT, from Hoddesdon:—By Mr. Alderman WOOD, from the Ward of Cripple-gate:—By Mr. Alderman ATKINS, from the Inhabitants of Arundel. By Lord MORPETH, from the Township of Sutton, in Yorkshire, for a reduction of Ministerial Salaries, and the abolition of Slavery; and from Nunmonckton.

REFORM IN PARLIAMENT.] Mr. Michael Angelo Taylor rose to present a Petition for Reform, from the inhabitants of Durham. In that city the right of election was in the Corporation, but there were a great number of inhabitants, not in the Corporation of that city, of great respectability and influence, who had a fair claim to vote for Representatives. The petitioners prayed that the House would do away with rotten boroughs, and diminish the expense of elections, which was now sometimes so great, that few persons could afford to stand a contest. They prayed, too, for the extension of the present limited franchise. He shared fully in the sentiments expressed in that petition, his feeling in favour of Reform being no new feeling with him—no new idea; he had been a reformer for many years. It was to him, indeed, a subject of great satisfaction to reflect, that if Reform had been granted a great many years ago—if it had been granted when Earl Grey proposed it in that House, oceans of blood and countless treasure would have been saved to the public. He hailed it as a good omen that the question of Reform at present was pressing itself on the consideration of men in all parts of the kingdom, and he trusted that the good sense of the House would be shown, by treating favourably the arguments for Reform, and by supporting the measures of Reform that might be brought in unanimously. He would not trouble the House further, reserving him-

self for the time when the subject should come properly under discussion, when, if the House would allow him, he would address it.—Petition to be printed.

Mr. Cutlar Ferguson said, he had several petitions to present, praying for Reform in Parliament, and he was sorry he did not see in his place his hon. friend, the member for Edinburgh, who, if he had lately visited that part of the kingdom, if he still maintained his opinion that there was no feeling in Scotland in favour of Reform, must be much surprised at what he had heard and seen. From all the information which he had received, the feeling in favour of Reform was spreading most rapidly, and was almost universal. He must say, that the meetings in Scotland had been so numerous, that Gentlemen must see, that their own private interests, if they had private interests, must give way to the public good. The feeling in Scotland was, that the landed interests, the real owners and occupiers of the land, were not sufficiently represented; and that the large population of wealthy towns were not sufficiently represented; and that feeling would, he supposed, have great weight with the House in giving the people a full and fair Representation. The first petition he would present was from the Commissioners of Supply, Justices of the Peace, and Freeholders of the County of Kirkcubright. These petitioners stated, that they had not before petitioned, because they had no hopes that their petition on this subject would be attended to; but that, now there was a Ministry pledged to Reform, they had hopes that their wishes would be gratified, and they trusted to the Ministry to redeem its own pledges, and fulfil their hopes. In their hopes and in their confidence he participated. As a Representative of a Scotch County, he must say, that he was willing to see an extension of the elective franchise, but he was not willing to support any extension of that franchise which would militate against the political condition of the landed interest, particularly in Scotland. He hoped there was no plan to militate against that interest; if there was, he should oppose it. He conceived that the Representatives of Counties should be sent to Parliament by the landed interest, and any proposition of Reform which went to give that interest such a power, he would support. The petitioners also prayed for retrenchment, and they called on the

House to reduce all salaries, and to retrench every unnecessary expense in the most unsparing manner. They considered it a great hardship, when the price of all their produce had fallen one half, that the salaries of persons in office should be continued to the full extent to which they were formerly raised. They begged the House, therefore, to institute an inquiry into the subject, and also to abolish all sinecures. They recommended, that persons who had retired from the public service should be fairly remunerated, but they prayed that the House would reduce the expenditure to the lowest point possible, consistent with justice. He cordially concurred in their prayer, but he hoped Reform would not attack the bosoms of families. He wished to see the services of all public servants properly considered, and he hoped all persons who had duties to perform would be adequately rewarded. The hon. Member concluded by presenting the petition from Kirkcubright, which was read and laid on the Table. That petition, the hon. Member said, was from persons who already possessed the elective franchise, and they prayed that it might be extended to those who possessed it not. The petition he had then to present was from parties who had not the franchise, and prayed that they might have it. This petition was from the heritors and occupiers of land in the parish of Kelton. He also presented a third petition, from another part of Kirkcubright, and stated, that there was no part of the country which did not share the feelings expressed in these petitions.—Laid on the Table.

MONOPOLY OF TALLOW.] *Mr. Kennedy* presented a Petition from certain Candle Manufacturers in Edinburgh, praying for the Repeal of the Duty on Candles.

Mr. Hunt supported the prayer of the petition. The Repeal of the Duty on Candles was a subject of very great importance to the labouring poor. He heartily concurred in the prayer of the petition, particularly as it was well known that a large commercial house in the City had monopolized all the Tallow in the country. The reason why he rose was, to state, that it was his intention to bring before the House, in a short time, the subject of that great monopoly. The House would think that proper, when the House was told, that the monopoly had raised the price of soap

and candles to the poor man very considerably; it had almost deprived him of light by night, and almost deprived him of soap to cleanse himself, and had almost deprived him of all the benefits he derived from the use of these articles. He was sure that the House would see that nothing was more urgent than to take measures to protect the poor man. The hon. member for Westbury said, last Session, that great evils were caused by the accumulation of property in the hands of individuals. Here was an instance of it. He could assure the House, that one firm had employed 600,000*l.* in purchasing tallow, and it had caused the greatest possible evil. The price of tallow now was 48*s.*, and there were 50,000 hogsheads in the country; last year there were only 30,000, and then the price was not above 36*s.* It was not, therefore, from any want of tallow that the price had risen, but solely from the monopoly.

Mr. Warburton did not at first think it necessary for him to make any observations, but after what had fallen from the hon. member for Preston, he could not remain silent. Although, as an individual, he might regret, that advantage was taken by a commercial house to raise the price of an article of necessity, it would have become him to have remained silent, did he not know that the price had not been raised to the extent the hon. Member said by the monopoly. There were other causes for the rise of price, and the principal of them was, he believed, not the monopoly, but the anticipation of scarcity. It was a general custom for merchants to buy largely when they anticipated a scarcity; and it was the anticipation of the scarcity, not the monopoly, which caused the rise. This was the case now, and there were many obvious causes for apprehending a scarcity. The war in Poland was an obvious cause for a rise in the price, not only of tallow, but of all the produce of that country, whether monopolised or not. There was also the prevalence of a terrible disease in those parts of Russia from which the chief supply of tallow was derived. Again, the whale fishery had been a complete failure. The house in question had probably made the purchases from anticipating the scarcity, and therefore their purchases had not caused the rise. He did not think it proper for the House to interfere with the private bargains of individuals. In the article of corn, only let

the hon. Member recollect the obloquy which had formerly been cast on those who dealt in corn, though writers had now made it quite clear, that the corn-dealers, by this proceeding, however they might have enhanced the price to individuals for a short time, were, in reality, a sort of safety-valve against famine. They equalized the consumption through a whole season, and over large districts, and prevented an extreme rise of price before the next supply could be procured.

Petition laid on the Table.

WEST-INDIA INTEREST.] Mr. *Keith Douglas* rose to move for some papers, which, he understood, would be readily laid on the Table. The House would recollect, that on a petition being presented from the West-India Interest, complaining of great distress, and on a motion being made for a committee to inquire into it, his Majesty's Government thought that the question could be better examined by the Board of Trade than by a Committee of that House. The Government had accordingly undertaken to investigate the subject; and, after the investigation, to communicate to the House, at the earliest period, the resolution it had formed. The investigation had been carried to a considerable extent by the late Ministers, and it had been taken up and terminated by the present Ministers. He hoped, consequently, that the noble Lord, the Chancellor of the Exchequer, would find it convenient to state, at an early period, the general view which the Government was disposed to take of the case, now that the investigation was completed. He would not then say more, but move for copies of all Statements, Calculations, and Explanations which had been laid before the Board of Trade relative to the West-India Interest, since May 19, 1830.

Lord *Althorp* wished to guard himself against its being supposed that he pledged himself to explain the views of the Government on West-India affairs at an early period. Guarding himself against that expectation, he had no objection to the Motion.

Returns ordered.

REFORM IN PARLIAMENT.] Sir *John Wrottesley* presented a Petition from Wolverhampton, praying for Reform in Parliament. The petition was signed, not only by those who had always been

friendly to Reform, but also by those who had hitherto been adverse to it. The petition was signed by almost all the respectable people in the town. In the greatest part of the petition he cordially concurred; but on that part of it which required the Vote by Ballot he would not then state his opinion. When the subject came before the House, he would give it his best attention.

Mr. *Littleton* confirmed the assertion of his hon. colleague, that the petition was signed by most of the respectable people of Wolverhampton, and by those who had hitherto been opposed to Reform. He knew that the greater part of those who had in that neighbourhood been inimical to Reform through their whole lives, were now to a man in favour of it.

Mr. *Hunt* rose to present a petition from the Inhabitants of the parish of Thorne-Falcon, Somersetshire, the prayer of which, as it was short, he would read. The petitioners called upon the House to make a commutation of tithes, to lessen the taxes to the greatest degree possible, to abolish the malt duty, also to abolish all sinecures, to reduce salaries, and to reform the Parliament, by extending the franchise, and allowing the people to vote by ballot. He concurred in the petition in every part of it, but he differed from the petitioners in one thing; he thought that the petitioners had placed the cart before the horse. They had placed Reform in Parliament and Vote by Ballot last, while he thought they ought to have been placed first, for, without Parliamentary Reform and the Vote by Ballot, the petitioners would not get any of their other grievances effectually redressed. The petition was drawn up by the clergyman of the parish, who had signed it; and it was signed by almost every inhabitant of the parish. In that parish, the clergyman informed him, there had been no disturbances, and he was informed that only three persons who signed the petition could write their own names—he begged pardon of the House for the mistake—he meant, that there were only three persons who did not sign their own names. The hon. member for Kircudbright was not favourable to the Ballot, and he thought that they ought not to extend the franchise so as to affect the landed interest; but if the Reform to be proposed was calculated only to please the landed interest, it would displease the country. To such a species of Reform

he should be opposed. What would please the landed interest would not satisfy the people. He avowed himself a Radical Reformer, and had been one since 1815—ever since the passing of the Corn-laws. He was a Radical Reformer, and he would advocate the principle, that every man ought to have a vote. He had been the advocate of voting by ballot when that was unfashionable, and he was the advocate of that opinion at present. The petition from Wolverhampton expressed an opinion in favour of the ballot, and he could tell the hon. Baronet who presented it, and the noble Lord, that all the towns of the north of England to which he proposed to give the franchise wished to have the ballot; and, unless they were granted that protection, they would rather not be cursed by elections at all.

Mr. *Cutlar Ferguson* explained, that the hon. Member had misunderstood him. He wished for reform and an extension of the franchise; but he wished that the Members for a County should be elected by the landed proprietors, and not by the labourers. The elections ought to be in the hands of persons of some substance, and not approach as nearly as possible to universal suffrage, like the representation of a place he could name. He was satisfied that no species of Reform could give security or stability to the institutions of the country unless property were represented.

Mr. *Hume* was not friendly to the principle of making property the basis of the representation. While every man was liable to be drafted for the militia and, to pay taxes, he ought to have a vote in making the laws.

Mr. *Cresset Pelham* hoped his Majesty's Ministers would speedily bring forward their measure, and not have the question discussed on the presentation of petitions. Petition to be printed.

Mr. *Hunt*, in presenting a Petition from a division of the town of Manchester, praying the abolition of the Corn-laws, Universal Suffrage, and Vote by Ballot, took occasion to say, that he held these concessions to be absolutely necessary, and that he fully agreed with the petitioners in the prayer that they be granted. In allusion to certain observations which fell from the hon. member for Kircudbright (Mr. *Ferguson*) with respect to the improper extension of the right of franchise in some of

the boroughs of the kingdom, if the hon. Member had spoken out it would have been better, but he (Mr. Hunt) could understand him. He believed he meant the borough of Preston; but justice to his constituents compelled him to say, that this was, he believed, the very first time that Preston had been complained of. In allusion to the same subject he would add one word with respect to the conduct of his constituents during the election. In justice to them, he felt bound to declare in that place, that if any one said they misconducted themselves, or that they were hostile to his Majesty's present Government, they grossly misrepresented them. On the contrary, they felt no hostility to the men who composed his Majesty's Government, or the measures they proposed—nor did they ever feel any hostility to their late Representative (Mr. Stanley). During the whole period of the election, not one offensive word had been used towards Mr. Stanley. He had been treated like a gentleman; and no language had been used towards him which it was unfit for a gentleman to hear. With respect to the views which the petitioners entertained on the subject of the Corn-laws, and Parliamentary Reform, he must say, that he entirely agreed with them. But even if the plans of the Government did not reach the full extent of what would meet his views on the point of universal suffrage and vote by ballot, still he would not oppose them; but this he would say, that, no matter what degree of extension they might give to the right of voting, if their plan did not include vote by ballot, it would prove unsatisfactory, and it would be better for the country if they abandoned it at once.

Mr. *Cutlar Ferguson* again denied, that he expressed himself otherwise than as an advocate for Reform, but the was for a reform which must protect the landed interests, and to such a reform he had always been favourable. He must say openly, that the sort of election established at Preston did not meet his approbation.

Petition laid on the Table.

Mr. *Hume*, in presenting Petitions from Scotland, in favour of Reform, took occasion to advert to the declaration of his hon. friend, the member for Kircudbright, that the landed interest had been always in favour of Reform, and that he himself had presented a petition from that interest in its favour. Now, he begged to remind

the hon. Member, that the landed interest, for the last century, had the entire control over that House, and it was their own fault, if they desired it, that they had not effected it. He believed that all our difficulties were the work of the landed interest, and he should not think them ill-used if that House repealed all the taxes except those which pressed on the landed interest. This was, he maintained, well-deserved, but he was not disposed to retaliate. He desired nothing now but justice. The petitions he had to present were signed by a great number of the heritors and inhabitants of the different boroughs of Scotland, and some prayed for the ballot, but all for Reform. They were from Perth, Arbroath, Montrose, Annan, Dingwall, Dysart, Forfar, Lanark, and one signed by fifty-eight of the householders of the parish of Mary-le-bone.

To be printed.

Lord *Althorp* took that, the earliest, opportunity, to inform the House, that his Majesty's Government would, on Tuesday, the first day of March, be prepared to submit to the consideration of the House, that plan for the improvement of the Representative System, which in their opinion was now required. He wished at the same time to state, that it was their intention to give to the noble Lord (Lord John Russell), the Paymaster of the Forces, the task of explaining the nature and extent of the Reform which they contemplated. They had selected that noble Lord, in consequence of the deep sense they entertained of the ability and perseverance with which he had advocated an improvement of the Representative System, through the whole course of his public life. In times when the advocacy of Reform was not popular, and when, from the difference of circumstances, a partial change—even when a partial change was proposed—was considered almost hopeless, the noble Lord had perseveringly prosecuted his object; and now, when the question of Reform was more prosperous, the Government thought that he was best entitled to propose a full and efficient improvement of the Representation, who had so often failed in his most zealous attempts to procure a partial one.

CUSTOMS AND STAMP DUTIES.] Lord *Althorp* gave notice of his intention to bring in bills, on the 3rd of March, for Consolidating the Customs and the Stamp

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Duties. With respect to the latter, he begged to observe, that some misunderstanding had gone abroad on the subject of his views, with reference to the Irish Stamp Duties; and it had been reported that he meant to propose the same addition of duties for Ireland which the right hon. Gentleman (Mr. Goulburn) proposed last Session. This was a mistake. It was not his intention to make any alteration in the Stamp duties of Ireland.

REFORM.] Sir C. Wetherell, adverting to the statement of the noble Lord, with respect to Reform, was anxious to know whether the plan to be proposed was to be looked on as emanating directly from the Government, or from individual Members of that House? The noble Lord had told them that the task of introducing the measure was to devolve on the Paymaster of the Forces. Was the Paymaster of the Forces a member of his Majesty's Government?

Lord Althorp said, the hon. and learned Member must know, that the Paymaster of the Forces was not a member of the Cabinet; but if the hon. and learned Member meant to imply that the noble Lord would not have the concurrence, one and all, of the members of the Government, in the plan he had to propose, then the learned Gentleman was completely in error. There were, however—and the learned Gentleman need not, he was sure, be told so—precedents in abundance for the course the Government pursued in this instance. There was, indeed, a remarkable one—that of Mr. Burke, who, as Paymaster of the Forces, brought forward his celebrated plan with respect to the Civil List. It was not, however, necessary to offer any precedent on the subject. Every man of common sense knew, that if the Government chose to depute any Member of the House to expound a plan for which they declared themselves responsible, that his act was, to all purposes the act of the Government; and that there could be no difficulty in understanding it as such.

Mr. Bankes wished to know if the noble Lord intended to introduce Reform, in the first instance, through the means of a bill?

Lord Althorp was understood to reply in the affirmative.

Mr. Keith Douglas said, his hon. friend the member for Ayr (Mr. Kennedy) had

given notice of a Motion respecting the Representation of Scotland, and he wished to know if the noble Lord's plan of Reform embraced that kingdom?

Lord Althorp was quite ready to answer the hon. Member's question, but he hoped the House would excuse his declining to answer any others, or to state the measures which they intended to propose. This much he would say, that the plan of his Majesty's Government was to extend to Scotland.

GALWAY FRANCHISE BILL.] Mr. Spring Rice brought in a Bill for extending the Elective Franchise in the City of Galway.

Mr. North expressed his determination to oppose the Bill, which had an object very different from that which it appeared to propose. The Protestants of Galway enjoyed no higher privileges than those possessed by every Corporation in the kingdom. Was the hon. Member, then, prepared to disturb the Charter of every other Corporate town in Ireland?

Mr. Spring Rice said, that the Bill proposed to destroy an anomaly which existed in Galway, and no where else. It was a Bill to place the Protestants and the Catholics on an equality in election rights, and it was supported by three parts of the Corporation itself, and by the voice of the people of Ireland. No one opposed it but a small and peculiar party.

Mr. North repeated his statement, and announced his intention to give the House an opportunity of obtaining information on the subject by laying copies of the Charter of the City of Galway on its Table.

DISTURBED DISTRICTS.] Mr. Hunt begged to ask the noble Lord opposite, whether it was the intention of his Majesty's Government to lay before the House any statement with respect to the proceedings of the Commissions that had been sent into the districts in which burnings and other disturbances had taken place; because, if his Majesty's Government had no such intention, he (Mr. Hunt) would call the attention of the House to the subject.

Lord Althorp said, that it was not the intention of his Majesty's Government, of their own accord, to lay before the House any statement such as that to which the hon. Gentleman alluded.

Mr. *Hunt* then observed, that he would take an early opportunity of moving for the production by his Majesty's Government of information respecting the proceedings of the Commissions in question. He had had an opportunity of passing through several of the disturbed districts; he had seen and heard much of the proceedings of the Commissions; and he thought it was a subject of the utmost importance, and highly deserving the attention of the House and the country.

POSTMASTER-GENERAL; AND TWO-PENNY POST.] Lord *Althorp*, adverting to the Abolition of the Office of Postmaster-general of Ireland, and to the consequent necessity of placing the department of the Post Office of Ireland under the control of the Postmaster-general of England, moved for leave to bring in a Bill to enable his Majesty to appoint a Postmaster-general for the United Kingdom of Great Britain and Ireland.

Mr. *Hume* rose, not to object to the Motion, but to ask the noble Lord a question on a subject connected with the Post-office. Although numerous petitions had been presented by himself and others during the last three or four years, from persons praying to be relieved from the burthen to which, in many cases, they were subject by the regulations respecting the two-penny and three-penny post, nothing had yet been done on the subject. In some parts of the line of demarcation, the inhabitants of one side of the street paid only 2*d.* for their letters, while the inhabitants of the other side paid 3*d.* It was a matter which, in his opinion, might be set right without much difficulty. He begged to ask the noble Lord if the subject had yet attracted the notice of his Majesty's Government, and if it were intended to take any step respecting it?

Lord *Althorp* replied, that he believed the subject was at present under the consideration of his noble friend to whose department it belonged; and that he hoped some means would be devised for remedying the evil, of which the hon. Gentleman complained.

Mr. *Goulburn* said, it ought to be borne in mind that the abolition of the office of Irish Postmaster-general had been avowedly resolved on by the late Government during the last year.

Lord *Althorp* soon after brought in the Bill, which was read a first time, and

ordered to be read a second time on Monday, and to be printed.

Mr. *Hume* asked, if it was the intention of Government to abolish the office of Postmaster-general of Scotland? He did not see why 800*l.* a-year might not be saved to the public by such an abolition.

Lord *Althorp* (as we understood the noble Lord) observed, that there was no Postmaster-general in Scotland, but only a deputy. The whole subject, however, would, in all probability, undergo re-modelling.

HOUSE OF LORDS, Friday, Feb. 4, 1831.

MINUTES.] The Judgment in Execution Bill, to which the Commons had agreed, with some amendments, was brought up.

Returns ordered. On the Motion of Lord FARNHAM, all Tobacco imported into Ireland and England for seven years, ending on the 5th of January last; and the quantity of Tobacco exported in the same period; distinguishing the quantity imported and exported in each year.

Petitions presented. In favour of Parliamentary Reform, by Lord KING, from Launceston; from the parish of St. James, Clerkenwell; from the Kidderminster Political Union; from the Royal Burgh of Stirling; from the Royal Burgh of Perth; from the Shoemaker Incorporation of Perth; from Auchtermuchty, in Fifeshire; and from the town and neighbourhood of Knaresborough:—By the Earl of RADNOR, from Totness; Lewes; the Ward of Farringdon Without; Dursley; Wolverhampton, signed by 1,500 persons; Cropper-street, Manchester, signed by 500 persons; New Romney; and from Cottingham, in the County of York:—By the Earl of ROSSLYN, from four Royal Burghs in the County of Fife, which had lost their elective franchise at the time of the Union; and from Galway, for an alteration in the Elective Franchise. By the Duke of NORFOLK, a similar Petition, from the Roman Catholic inhabitants of the parish of St. Nicholas, Galway; and from Galway, praying for the abolition of Negro Slavery. For the repeal of the Stamp Duty on Newspapers, by the Earl of RADNOR, from Walsal.

PARLIAMENTARY REFORM.] The Marquis of *Lansdown* said, he had a great number of Petitions to present to their Lordships in favour of Parliamentary Reform. He had never attempted to drive their Lordships into a discussion on that subject while it remained an abstract question; but now that it had assumed a definite shape, and that notice had been given respecting it, he should feel most happy, without forestalling at present any debate on the subject, to state his feeling with reference to it when the proper time arrived, and to declare the grounds on which he meant to support such an alteration in the representative system, as would not injure the great institutions of this country. His Lordship then presented petitions—two from Greenock;

from Stranraer; from Cupar; and from three other places in Scotland.

HOUSE OF COMMONS,

Friday, Feb. 4, 1831.

MINUTES.] The Report of the Committee appointed to inquire into the accusation of Forged Signatures being appended to an election petition from Carrickfergus, presented on November 15th, was presented: it stated, that fourteen out of thirty signatures were forgeries, and that Hutcheson Posnett and John Morison Eccleston, were privy to the forgery of these signatures.

Returns ordered. On the Motion of Mr. HUME, the Amount received and expended by the Commissioners of Sewers for the County of Middlesex, from the 1st of January to the 31st of December, 1830:—On the Motion of Mr. BANKES, a Copy of the Treasury Order, reducing the Duty on Barilla:—On the Motion of Mr. S. RICE, a Copy of the Correspondence between the Treasury and the Secretary of State for the Colonies, relative to Canada.

Petitions presented. For the repeal of the Duty on Seaborne Coals, by Mr. N. CALVERT, from the Inhabitants of Royston, in Cambridgeshire:—By Sir J. NEWPORT, from the Chamber of Commerce of Waterford:—By Mr. ALDERMAN WINCHESTER, from the Ward of Vintry:—By Mr. HART DAVIS, from Bristol. Complaining of Distress, and for a repeal of the Malt Duty, by Mr. DENISON, from Farmers, and other inhabitants of Reigate. By Sir C. COOTE, from Rathdowny, King's County, against the Grants to the Kildare-street Society. By Mr. EVANS, from Loughborough, for a repeal of the Corn Laws, and of the Tax on Malt, and for Retrenchment and Reform. For the abolition of Slavery, by Mr. LITTLETON, four from places in Staffordshire:—By Mr. HART DAVIS, from a Congregation of Dissenters at Bristol:—By Mr. WILKS, from Dissenters at Lincoln:—By Mr. TYNTE, from Bridgewater:—By Mr. EVANS, from Leicester. For the repeal of the Assessed Taxes, by Mr. BETHELL, three from places in Yorkshire:—By Mr. GURNEY, from Norwich:—By Mr. W. DUNCOMBE, from Egtonham, and two places in Yorkshire:—By Mr. PHILLPOTTS, from Gloucester. In favour of Parliamentary Reform, by Mr. HUME, from Clerkenwell, Perth, and St. Pancras:—By Lord FORDWICH, from Canterbury:—By Mr. KENNEDY, from Stranraer, Banff, the Goldsmith's Company, Edinburgh, Auchtermuchty, Newburgh, Perth, and Oban:—By Mr. K. DOUGLAS, from Dumfries. For a general Fast, by Sir W. INGLEY, from Greyfield, Lincolnshire.

PARLIAMENTARY REFORM.] Sir J. Newport presented a Petition from a very numerous and most respectable body of the inhabitants of the City of Waterford, assembled at a public meeting, at which the Mayor presided. The petition was signed by upwards of 400 persons of all classes. They prayed that the Representation of the people in the Commons House of Parliament might be placed under constitutional control; that the Representatives of rotten boroughs might not be permitted to bear down the voice of the people; that Parliaments might be triennial, and that voting might be by ballot. With the main parts of the prayer of the petition he begged to express his entire concurrence. He was now, as he had been during twenty-eight years of his public life, a sincere advocate for Reform,

because he felt convinced, that without it the country could never be prosperous or happy. As to the vote by ballot, he could not say that he had yet made up his mind upon it; he would only say, that he had been decidedly opposed to it, but that many acts which he had seen with respect to elections had tended greatly to shake his opinion on the subject, and his mind was open to conviction respecting it. At present he would only add, that if he found that undue influence could be removed by no other means, he should hold himself bound to support the vote by ballot. The right hon. Baronet added, that in a few days he should have to present a similar petition from the Corporation of Waterford under its seal, which would show that in the City which he had the honour to represent, there existed no difference of opinion on this important subject.—Petition to be printed.

Mr. Littleton said, that he had to present a Petition also for Reform, very numerous signed, from the inhabitants of the populous town of Walsall. The petitioners also prayed for a reduction of taxes—particularly for a reduction of the tax on newspapers. They also prayed for the vote by ballot. On this last part he did not feel it necessary to enter at present, but in all the other parts of the petition he cordially concurred.

Sir Ronald Ferguson presented Petitions, praying for Reform in Parliament from Dunfermline, Cupar, Newburgh, Forfar, and other places in Scotland. The gallant General supported the prayer of the petition, and said, he was happy to see the people of Scotland rousing themselves, and proving that they were not indifferent to the all-important question. Some Gentlemen were opposed to the vote by ballot; for his part, he had seen so many of the evils of open voting, that he had long been a convert to the ballot, and he saw none of the evils which some hon. Members dreaded from adopting it.—Petitions to be printed.

Mr. Denison presented a similar Petition, from the inhabitants of Godalming, in Surrey. The petitioners stated that the distress which was now felt in the country would not have existed but for the corrupt state of the Representation in the Commons' House of Parliament, where a large proportion of the Members were returned by a comparatively few wealthy peers and commoners, and where the

aristocracy rather than the people of the country were represented. The hon. Member observed, that it gave him unfeigned satisfaction to have to present such a petition; and to find, after the many years during which this question was agitated, we had at last a Ministry with spirit and honesty enough to avow themselves the advocates of reform. He was not an advocate for any wild and visionary theories,—such as annual parliaments and universal suffrage,—but he would cordially give his best support, however feeble it might be, to Ministers in advocating a moderate and temperate, but efficient reform—a reform which would benefit all, and do injury to none.—Petition to be printed.

Mr. *J. Loch* presented similar Petitions from the Freeholders and others of the county of Ross; from the Provost, Magistrates, and Town Council of Dingwall, and from the Royal Burgh of Wick. All these petitions, he said, prayed for a radical Reform, and shewed that the people in the further parts of Scotland took an interest in that subject.

Mr. *Hume* said, he had been requested to support the prayer of the petitions, and he did so with cordiality. They afforded a practical answer to the allegation that the people of Scotland were not favourable to the question of Reform. It was now seen that petitions for Reform were pouring in from all parts of that country.

Petitions to be printed.

IDOLATRY AND PERSECUTION IN HINDOSTAN.] Mr. *Wilks* presented a Petition from Hanley and Shelton, Staffordshire, praying the House to put an end to Idolatrous Practices in India. The petitioners mentioned one subject which he had not seen before adverted to in the House, and which he thought especially worthy of notice. They stated, that by the laws of the Hindoos, when any one of them embraced Christianity, he was disinherited—his evidence was not allowed to be received in a Court of Justice—and he was otherwise ill-treated. The petitioners prayed, therefore, that the Government would interfere to abolish these persecuting laws.

Mr. *Cutlar Ferguson* would take on himself to say, that there was not a single tribunal in India, subject to British rule, in which such a law was acted on, or which would enforce such a law. He was sure

that no instance was known, or could be adduced, of natives deprived of any of their rights on account of having embraced Christianity, by any act of any Court under the control of this country.

Mr. *Wilks* stated, that the laws of the Hindoos were very peremptory on this subject, and if he had known that a discussion would have arisen, he would have brought down to the House the names of several persons who had been deprived of their rights for having embraced Christianity. He did not say that it was done by the power of the British Courts, but it was done, and the people were disinherited.

Mr. *John Campbell* would take upon himself to say, that there was no such law actually existing in India as the one alluded to by the hon. Member. Such a Decree might be found in the Institutes of Menu, but it was not at present the law in any part of British India. He believed that it was only a vulgar prejudice; and he was not surprised that such prejudices existed here as to India, when he knew that it was a vulgar prejudice in this country that a Jew could not possess real property in England. For that opinion there was no foundation whatever. Every person born within the allegiance of his Majesty had a claim to all the rights of natural-born subjects, whether he were a Jew or a Pagan.

Sir *R. Inglis*, could quote the authority of the late Chief Justice of India for the existence in that country of the law in question. That learned Gentleman had stated distinctly, before a committee of the House of Commons, that by the native laws, persons, whether Hindoos or Mussulmen, who embraced the Christian religion, were deprived of their rights. No person could succeed to inheritance who could not perform the funeral ceremonies. He was sure that this was the substance of the late Chief Justice's statement, as he had lately read the passage; and, if that learned Gentleman were in the House, he would, no doubt, confirm the statement.

Mr. *Cutlar Ferguson* repeated, that not a single instance could be brought of a native, under the authority of an English Court, and by a decree of that Court, having been deprived of any rights or advantages because he had embraced Christianity. That might have been the law under the Mahomedan, or native Princes, but it was not the law in British India.

Petition laid on the Table.

Mr. *Wilks*, in moving, that it be printed, repeated his statement; and added, that he should be ready to produce the names of the persons who had suffered, when he brought under the consideration of the House, as he had given notice to do, the subject of Idolatry in India.

POWER TO ENDOW CHURCHES.] Mr. *Hughes Hughes* presented a Petition from several Clergymen, Incumbents of Bristol and its neighbourhood, praying that a bill might be introduced, giving a power to any two individuals, under the sanction of the Bishops, to build and endow churches. He concurred in the prayer of the petition, and in the necessity of giving every facility to build churches. The hon. Member also read an extract from the letter of a clergyman, saying that the parish in which he resided showed the necessity of some alteration. Though it contained 11,000 inhabitants, there was only one established church for the whole, and no seats for the poor. The restrictions under which the building of churches now laboured, were undermining the Church of England, and, if they were not removed, would lead to its overthrow.

Mr. *Hart Davies* said a few words in favour of the petition, which was laid on the Table.

PARLIAMENTARY REFORM.] Mr. *Ald. Waithman* said, he rose to present the Petition of that extensive ward, Farringdon Without, which contained nearly one-sixth of the population of London. It was numerously signed, and prayed generally for Reform, and in particular for the Vote by Ballot—a principle which he himself felt especially necessary to protect men from the necessity of voting against their principles and their conscience, from what he had himself witnessed, in his own case, within the last few days—on an occasion when the power and influence of the East-India Company, and other great bodies, had been exerted to carry an object which never could have been accomplished had the election in question been made by ballot.

Mr. *Hunt*, as a member of that Ward, was desirous to second the motion of the hon. Alderman. He expressed himself extremely delighted to find that his worthy friend was, at length, a convert to the system of ballot, though he was sorry that he had so dearly bought his experience

through the medium of a defeat, in the disappointment resulting from which he sincerely sympathised with his hon. and worthy friend. He was, moreover, delighted to find that, already, the ballot was so generally in fashion—[“*No, no, no,*” from all quarters of the House.] Yes; he would maintain it was; and so much so, that he had little doubt that in London, in Westminster, in the Borough, and in Middlesex, the principle of the ballot would find advocates in ninety-nine out of a hundred. Aye, and if the question were put and polled for by ballot, he was convinced the noes would find it so.

OATHS OF ABJURATION, &c. REPEAL BILL.] Mr. *C. W. Wynn* rose to move that the Order of the Day might be read for going into committee on the Oaths of Abjuration Bill. He confessed, he said, that he was so far from being disposed to attempt by this measure any thing like an anticipation of the motion of his hon. and learned friend, on the removal of the civil disabilities of the Jews, fixed for the 15th of March, that he should, for the present, take up but one branch of a subject which naturally, in his mind, divided itself into two distinct branches; namely, the expediency of rendering unnecessary the oaths now taken before the Lord High Steward by Members of Parliament, and next, rendering unnecessary the Oath of Abjuration. To the former class of oaths it was his intention this measure of repeal should be applied, and to that alone, on the present occasion, he should confine himself. He concluded by moving that the Order of the Day be read.

Sir *Robert Inglis* expressed his intention to meet, with the most decided opposition, the measure of the right hon. Member, as likely to invade the security of the Protestant State, and the established succession to the Throne. He agreed that it was more than impolitic, nay, even guilty, to maintain by force of legal enactments the taking of unnecessary oaths. Unless, however, the oaths alluded to as comprised within the purview of this repeal were maintained, there would be a chance afforded of having persons coming in to interfere as Members in the election of a Speaker, who were not Members at all; and, unless they believed the mere appearance in Mr. *Dorrington's* office was sufficient to authenticate a Member's title to take his seat, there would remain no test

for ascertaining a Member's qualification to sit in that House, as regarded the right of property. He was aware that they, as Members of Parliament, entered that House free to act on every subject but one. They could repeal or annul any Statute but one—the Act of Settlement of the Crown in the present Royal Family of England. That Act of Settlement was recognized by the Oath of Abjuration, in which the Act of Settlement itself was rivetted. It had been asserted by a very intelligent writer, that the claim of the House of Sardinia to the throne of these realms was shut out alone by the Oath of Abjuration. Whether that were strictly so or not, he would express his firm belief, that the repeal of that oath would in a degree weaken, in some consciences, the right of the House of Hanover. When the Catholic Relief Bill was passed, they were told, too, that the Oath of Abjuration was an effectual security against its affecting the Protestant Succession; and yet, now, they were called on to divest themselves of that very security. He felt the subject one of great importance to the security and tranquillity of these realms; and for this reason he felt himself bound to express his decided reluctance to invade that security which our established laws had long since provided as a means of defence to the succession.

Mr. *Cutlar Ferguson* dissented from the doctrine quoted by the hon. Baronet, as inapplicable in fairness to the subject of preserving and securing the right of succession. The title of the House of Hanover did not rest on the basis of this oath, but on the Act of Settlement. Indeed, the oath was not imposed at the time of the Revolution, but by an Act passed, for a temporary purpose, at the death of King James 2nd, in order to exclude from the succession the son of that abdicated monarch, in consequence of the then Pretender being recognized as our Sovereign by the reigning king of France. It was a perfect absurdity to say that none of the descendants of James 2nd had any right to the Crown of these realms, when, in fact, no such descendants existed. It was too much, therefore, that Members of that House should be compelled to commit such a preposterous absurdity as to abjure claims which could not by any possibility arise. As to the House of Savoy, he would leave the question as regarded that branch, where the right hon. Gentle-

man had left it, and let them bring forward their claims, if they thought they had any, and could wrest the Crown from the reigning family. He earnestly desired that a very obnoxious oath, the Oath of Assurance in Scotland, should be repealed. This amounted, in fact, to a double oath. The Oath of Assurance was exactly the Oath of Abjuration, except that it began by declaring (which he did not know how any but a lawyer could declare) that the King was not only King *de jure*, but also *de facto*, and had the right of sovereignty in this kingdom. He hoped there would be no objection to repeal this unnecessary oath. But he would beg to call the attention of the House to an oath still more objectionable than the Oath of Abjuration or the Oath of Assurance; namely, the Oath of Supremacy, which made a subject swear that no dispensation from the Pope of Rome could justify the murder of a Prince. Now it was remarkable that this was administered as a Protestant, and not as a Catholic test—the abjuration of any civil or temporal power of the Pope being reserved for the Catholics. It was well known that no Protestant had ever supposed that he could be absolved from his allegiance, much less released from the guilt of so atrocious a crime as the murder of a Prince, by the dispensation of a Pope; and yet, although the Catholics, who alone had been suspected, and, as he believed, unjustly suspected, of entertaining this doctrine, were released from taking the oath, it was still exacted from Protestants. He hoped that measures would be taken to put an end to this anomaly, and in the mean time the bill for suppressing the Oaths of Abjuration should certainly have his support.

Mr. *Blount* said, that he felt it due to a learned and able friend of his, whose work had been alluded to by the hon. member for Oxford, to disclaim his having made use of any language which could be construed to imply that the House of Savoy had any right to the British Crown. Having said so much in justification of his friend, he would beg to say, on his own part, that he entirely concurred in the motion of his right hon. friend below him, but regretted that it did not go further, and expunge from the Statute Book many other oaths equally as obnoxious as those to which it applied. He wished that some hon. Member, who was competent to the task, would take the matter in hand, and

leave in the Statute Book only such oaths as, in the present state of things, that House would enact.

Sir *Charles Wetherell* said, that not being aware that this subject was to be brought forward this evening, he had not got with him several notes, which he had made on a former occasion, in reference to the question. The Oath of Abjuration renounced the right of any descendants of James the 2nd, of whom, be it observed, there were no lineal descendants existing, but there were several claimants in the collateral line from James the 1st. [An hon. Member said, "No, of Charles the 1st."] Well, he might have mistaken the name, but the principle was the same. If Gentlemen would look to the Act of Settlement, and to the bills by which the oaths had been from time to time modified, they would find that they were framed on the principle of disclaiming the right, not only of the expelled monarch, but also of all who would have had a claim, in a collateral line, if James 2nd had not been expelled. When his hon., or rather, he should now say, his noble and learned friend, Lord Brougham, said, on a former discussion in that House, that it would be a mere waste of breath to repeat a form of words negating the title of those who did not exist, he agreed with his noble friend, that the words which related to the lineal descendants of James 2nd were unnecessary, and he had no objection to spare the breath of hon. Members by the omission of those words. But he recollected afterwards asking his noble friend, whether he had adverted to so much of the Oath of Abjuration as related, not to the lineal, but to the collateral descendants of the Stuart family; and, although he was not authorised to make any declaration on the part of his noble and learned friend, yet he felt that he should be doing a prejudice to the learning, the knowledge, and the accuracy, of his noble friend, if he supposed that, occupying the high and important station which he did, he could fail to see the distinction between leaving out of the Oath of Abjuration—when it became necessary to alter it—a renunciation of the rights of lineal descendants who did not exist, and omitting to negative the claims of collateral descendants, of whom there were several in existence. Every lawyer, and every historian, and every loyal man, must know how essential it was in that House, when

any of the guards of the Crown of England were proposed to be altered, to look carefully to the rights and pretensions of collateral claimants. There were many claimants in a collateral line to the throne of England. The House of Sardinia was the first; the present king of France, Louis-Philip, was the second; and there were several others. He had looked into the pedigree of Charles 1st, to see if there were any descendants in a collateral line, and he found that there were several. Then came the question, if, when the Act of Settlement, and the oaths in connection with it, were framed, it was deemed necessary to abjure, not only the lineal, but also the collateral, descendants of the Stuarts, would his right hon. friend tell him why the same necessity did not still exist with regard to collateral descendants, as to whose survivorship there was no doubt? The hon. Gentleman who had last spoken had alluded to what had been said by the hon. member for Oxford, relative to Mr. Butler's work. He had said himself, on a former occasion, and he must now take the liberty of repeating it, that there was a passage in Mr. Butler's book which, without any intention of offending that respectable author, for whom he had a great esteem, he must call an indiscreet and inconsiderate statement. The words were—"The title of the House of Sardinia,"—and then followed, in a parenthesis "(which was excluded by the Act of Settlement)"—to the throne of Great Britain and Ireland." This was the passage to which he referred. If it was to be expected that a lawyer should express himself accurately—and, surely, upon no man was it so incumbent to avoid all doubt or ambiguity in his expressions—he must observe, that it was not accurate to say that the House of Sardinia, although its exclusion was noticed in a parenthesis, had a title to the throne of these realms. The House of Sardinia had no more title than the door-keeper of that House. He therefore objected to the expression as inaccurate, and one which should not have been used by a lawyer. He objected to it because it implied a considerable denial to the principle established at the Revolution, which was, that, when the throne became vacant in the person of James the 2nd, that vacancy carried with it an annulment of the claims of all descendants, lineal or collateral. He had also the authority of Judge Blackstone, that not only

all the descendants of James the 2nd, but the whole House of Stuart, claiming from any predecessor of James, were to be excluded from the throne. The words of that learned Judge were—"That the declaration of Parliament at the Revolution, that the throne was vacant, was a declaration affecting not only the person of James the 2nd himself, but also all his heirs; rendering the throne absolutely and completely vacant." Whoever denied that, denied the principle on which the Revolution was founded. That principle had been settled by both sides of that House. Although the event had happened, which rendered it a waste of breath to protest against the lineal descendants of James the 2nd, yet he could not consent to alter the principle of the oath; namely, that the vacancy of the throne in the person of James the 2nd, was a principle in operation upon the collateral as well as the lineal descendants. It was upon that principle that all the oaths had been framed, and if it had been necessary a century since, it was equally necessary still. As he had not been aware of the intention of bringing forward this question to-night, he was not prepared to give it all the consideration, in its different branches, which it required, and should therefore suggest the postponement of the committee. He had heard another argument on this subject, which he would beg leave to notice. Some wise Gentlemen said, it was very ridiculous to continue an oath abjuring the title of the House of Sardinia, and asked, if that power was likely to send an army of 100,000 men to enforce its claims, or if we had reason to apprehend an invasion from France to support the claims of its sovereign upon the Crown of England; and it was urged, that it was superfluous to abjure that which was but the spectre of a right, and existed only in imagination. That was a good argument to a certain extent; but let him remind Gentlemen of what had occurred at the peace of Amiens. There was a time when the king of England claimed the title of king of France, and, until about some thirty years ago, Gentlemen who were attentive in their devotions might recollect a sort of *cantilena*, in which we prayed for "our Lord George, King of Great Britain, Ireland, and France." He did not suppose that any Frenchman, hearing this prelude to a sermon in our churches, would be alarmed lest the King

of England should seize upon the throne of France; but it happened that this spectre, or phantom, of a title had been disclaimed by the Secretary of State for Foreign Affairs, in the treaty of Amiens. If these spectres of titles were considered so serious as to be disclaimed in solemn treaties with other States, he owned, that although, perhaps, it might be too great caution on his part, yet he thought that, *pro majori cautela*, it was right to have regard to the minute defences by which our domestic constitution was surrounded and preserved. He could mention other instances of diplomatic caution superior to this. He agreed with his noble and learned friend Lord Vaux—that it was hardly worth while to waste one's breath in negating the title of James the 2nd. But to save one's breath in pronouncing three words, he would not abolish an oath which recorded the principle, that on the vacancy of the throne, not only lineal, but also collateral, descendants, and all possible claimants of the House of Stuart, had not, and never could have, a shadow of right to the throne of these realms.

The Order of the Day was read.

Mr. C. W. Wynn rose to move, that the Speaker then leave the Chair, and observed, that he had not anticipated the probability of the House proceeding with a discussion at the present stage of the Bill, when the motion was merely for going into a Committee. His hon. and learned friend would perhaps have omitted some of his remarks had he been in the House when he stated his intention to move that the Committee be instructed to divide the Bill into two, one relative to the oaths before the Lord Steward, and the other embracing only the Oath of Abjuration. In reply to an objection from the hon. Baronet (Sir Robert Inglis) he might mention, that in the oath taken before the Lord Steward there was not a word about qualification. The declaration on that subject was filed in the Clerk's-office, and the Member was obliged to swear at the Table of the House that his qualification was a true one. A single fact would best refute the hon. Baronet's notion as to the trifling nature of the inconveniences attendant on the present functions of the Lord Steward. In 1810, the then Lord Steward having resigned in the morning, without the fact having transpired, his deputy accordingly proceeded with the swearing of Members, all of whom thereby unknowingly might

have forfeited their seats, and incurred the penalty of the Statute. At present, should any important question depending, the Lord Steward, by resigning, might incapacitate every Member of the House of Commons, until Ministers should have an opportunity of advising with his Majesty concerning the appointment of a successor. At the same time, there was no difference whatever in the form of the two oaths, except that that which was taken at the Table was repeated with more solemnity of manner than the other, although, perhaps, not with so much as such a ceremony ought in any case to demand. That solemnity, in his opinion, would be materially increased by the curtailment he proposed—namely, the omission of the Oath of Abjuration. It was, however, highly offensive for any individual to assert or argue on the assumption that the King, Lords, and Commons, might not limit the succession to the throne in any way which they might think fit, as it was impossible to anticipate what circumstances might hereafter arise which would call for such an exercise of the prerogative of Parliament. Then, with respect to what had been said touching the opinions expressed in one of Mr. C. Butler's publications, he really could not regard such an argument, if argument it could be called, but as mere words; for how could the opinions of any individual affect the interpretation put by the Legislature on its own Statutes? And was there not a specific and most explicit law, by which the House of Sardinia, as well as the other descendants of the Stuarts, in the most comprehensive sense of the term, were totally excluded from the throne of this realm? Was there not the Act of Settlement, a part, and most important part, of the law of the land, by which the succession to the British throne was established beyond the reach of controversy; and was not that Act decisive and sufficient on the matter? Was there any claimant of the House of Stuart at present in existence to alarm them, to "fright the isle from its propriety?" The representative of that ancient and once royal family was the Duchess of Modena; and he believed even the hon. member for the University of Oxford himself did not suffer much alarm for the safety of the Protestant establishments of the country from the claims of that illustrious lady. The fact was, as the House was well aware, that the Duchess

of Modena had never put forward any claim to the throne of England, founded on her descent from the last of our Stuart kings; never assumed any title implying any such claim; and if ever she did, would her folly be worth a thought unsupported by an army or alliances to enforce it? In truth, it was a little too much for common sense to bear with gravity, that at this period of our history, and of the history of the world, hon. Members should seriously express any apprehension that the doing away with an oath—originally imposed for temporary purposes, no longer in existence—would endanger the succession of the House of Brunswick, and open the way to the throne of this great empire of some *quasi* collateral descendant of the House of Stuart. The supposition was too absurd for him to take up the time of the House by refuting it: in fact, the claims of the descendants of the last Stuart king were as truly obsolete, in an historical point of view, as the rival claims of the red and white roses of York and Lancaster. Then, as to the argument which the hon. member for Boroughbridge had founded on the circumstance of the claim to the throne of France, implied in the ridiculous, and most nugatory, and, in truth, most disgraceful—from the silly obstinacy with which it was retained—assumption of the title of the king of France by the king of England, having been mooted by the Treaty of Amiens, was it not enough to remind the House of the different circumstances of the two cases? Here was a king—a *de facto* and *de jure* king—of this powerful empire, putting forward a most silly claim to a throne which was occupied by the rightful heirs, and to which he had no pretensions whatever; thus making a nugatory assumption of a title neither more nor less than an impotent insult to another monarch. But the truth was, the French Court deemed it unworthy of their serious notice, and it was in 1800, when we were effecting the union of the Legislature of Ireland with that of this country, that the title was dropped, and then, not at the request of the French King, but at the instance of the French Republic, which declared, that a king of England's calling himself also king of France, was an insult to the majesty of the Republic. But, said the hon. and learned Gentleman, though there is no dangerous claimant to the possessions once enjoyed by the House of Stuart now

in existence, there may be; and therefore you must not remove our only protection—the Oath of Abjuration. His answer was,—when such a possibility assumes a serious aspect, let Parliament, in its wisdom, provide the remedy; but till then let them not be “wasting their breath” combating with chimæras. Suppose the Oath of Abjuration wholly abolished, would any hon. Member venture to assert, that thereby the claims of any descendant of James 2nd to the throne of this realm would be promoted one jot, or that the Brunswick succession would be in the least affected by it? But, said the hon. and learned Gentleman, recollect that King Louis Philip is a collateral descendant of the House of Stuart. This was not the fact in the sense of the hon. and learned Gentleman, for the claim of the Duchess of Orleans, the daughter of Charles 1st, did not descend to the Duke of Orleans, the present king of the French, but to the Duchess of Modena; and she, as he had stated, had no inclination to assert it. It was true that the ex-King, Charles 10th, had married a daughter of the House of Savoy, but he believed that but little apprehension was entertained for the safety of the throne of this kingdom from the heirs of that royal personage. It was in fact combating with artificial shadows to put forward any assertion of danger to our existing line of monarchs from the descendants of the House of Stuart. With respect to the motion before the House, he could not anticipate any objection. It went merely to separate into two bills, the two branches of that which he had introduced in one bill on a former occasion. It was his intention to proceed then only with that branch by which the necessity for Members taking the oaths before the Lord Steward, previously to taking their seats in that House, would be done away with. The other branch—that for abolishing the Oath of Abjuration—he would postpone till after the decision of the House on his hon. friend’s Motion for the relief of our Jewish fellow-subjects. The two discussions might jar in degree with each other, therefore he would not invite the attention of the House to the expediency of abolishing the Oath of Abjuration till the measure for the repeal of the civil disabilities affecting the Jews had been disposed of.

Mr. *Goulburn* observed, that the objects of the Bill were twofold. To the

first part, which related to the abolition of the oaths taken before the Lord Steward, he had no objection; but to the repeal of the Oath of Abjuration, notwithstanding all the arguments which had been urged by his right hon. friend, he would give a most decided negative. Was the right hon. Gentleman prepared to go to the legitimate length of his own argument? If so, he ought to be prepared at the same time to abolish the Oath of Allegiance; for if they might repeal the Oath of Abjuration because the law otherwise provided for the integrity of the existing dynasty, on the same grounds they might repeal the Oath of Allegiance, the law also compelling their fealty to the line of monarchs who had sat on the throne since the Act of Settlement.

Mr. *Perceval* thought, that one most important point had been nearly forgotten, or overlooked in the course of this discussion. The oath was not only directed against certain persons, but against certain opinions, considered to be unfit to be admitted into the government of the kingdom; and it went to the support of a great principle—he meant the principle of Protestantism in our government; for, although the succession was limited to the heirs of the Princess Sophia, it was only so limited while they continued Protestants: the words were, “the heirs of her body being Protestants.” He thought that the House ought to attend to this principle, and, in consideration of its importance, they should pause before they adopted the measure proposed by the right hon. Gentleman.

Lord *Althorp* felt himself called upon to remind the House, that it was then indulging in a most needless and unexpected discussion, on subjects which, in the very terms of his right hon. friend’s motion, would come substantively and separately before the House on other occasions. Hon. Members were discussing the expediency of abolishing the Oath of Abjuration, though his right hon. friend had declared, that he would for the present postpone that branch of his measure, and would confine himself to a bill for doing away with the necessity of Members taking the oaths before the Lord Steward. Hon. Members would see, that, on the present occasion, their opposition and remarks were, to say the least, premature.

Sir *C. Wetherell* had no objection to the mere matter of form being gone through,

but in every other respect he objected to the motion of the right hon. Gentleman. He contended, that the same principle which would go to the repeal of the Oath of Abjuration, namely—that the law implied the obligation which the words of that oath embodied—would, in like manner, go to the repeal of the Oath of Allegiance itself; for the law implied, on the part of every subject, the duty of faithful allegiance to the Crown. His objection to the proposition of the right hon. Gentleman was, that it was not for the repeal of mere words, but for the repeal of that which seemed to him to be the very principle of the Revolution of 1688. Feeling that very strongly, he should take the sense of the House on the question, whether the principle of the Revolution was not embodied in that oath, and whether the abolition of the oath would not, in effect, be a denying of that principle? The man who could bring himself to doubt upon that subject must have brought his mind into a state which he by no means envied. He should certainly oppose the measure.

Sir *R. Inglis* would also press his opposition to the Motion to the vote, if the right hon. Gentleman should take the assent of the House to it as an argument in favour of his bringing in a bill for abolishing the Oath of Abjuration.

General *Gascoyne* would vote with his hon. friend who had spoken last, should he divide the House on the right hon. Gentleman's motion; for he had not heard any thing from the right hon. Gentleman which in his mind, amounted to a justification of it.

Mr. *Sadler* thought, that the House ought to proceed circumspectly on a matter of this importance. He conjured the hon. Mover of this Bill to pause before he pressed it to a decision, in order that those who entertained doubts as to its propriety might have time given them for the removal of those doubts.

Mr. *C. W. Wynn* observed, that the House had not pledged itself to this Bill before the vacation; on the contrary, it was expressly stated, that the discussion upon it should be better taken in the Committee. If the House allowed him to divide his measure into two bills (a plan that would be of great convenience in the discussion), he should propose to proceed with one of the Bills without delay, while he should postpone the consideration of the other to a future day.

Sir *E. Knatchbull* hoped, that an opportunity would be given for discussing the principle of these two Bills separately, and that hon. Members, by assenting to the Speaker's now leaving the Chair, would not be considered as pledged to the support of either of them.

Mr. *C. W. Wynn*.—Certainly not.

The Speaker then left the Chair. The bill went into the Committee, where it was divided into two bills to be called the Oaths before the Lord Steward's Bill and the Abjuration Oath Repeal Bill. The report on each was brought up and read. The report on the Lord Steward's Oaths Bill was ordered to be taken into consideration on this day se'nnight, and the report on the Oath of Abjuration Bill on the 20th of February.

CIVIL LIST.] Lord *Althorp* laid upon The Table of the House papers relating to the estimate of the future annual charge of the Civil List. The noble Lord then said:—Pursuant to the notice I gave on a former day, I now proceed, Sir, to discharge the duty I have undertaken, in moving that these papers be referred to a Committee on the Civil List. In making this Motion, it will be my duty shortly to state what his Majesty's Ministers have proposed to do with respect to the Civil List. In framing these estimates, we have endeavoured to follow out the course which it appeared to be the wish of this House, on a former occasion, should be adopted. In the first place, then, we propose to refer the Civil List to a Committee. It did not appear, on the occasion to which I have alluded, that there was any Gentleman in the House who wished to diminish the comforts of his Majesty, or to detract from the dignity of the Crown. The question on that occasion, and the discussion which then took place, arose upon the objections to the Civil List, as proposed by the late Government, because that Civil List contained, in many respects, matter not connected with the dignity of the Crown, or with the personal comfort of his Majesty. It was also objected to, because the right hon. Gentleman opposite refused to refer it to a Committee. In proposing the estimates which I now lay upon the Table, I have endeavoured to avoid these objections. I have laid out of them all those charges which the Civil List formerly contained which do not appear to me connected with the

personal comfort of his Majesty, or with the dignity of the Crown. I have differed also from the right hon. Gentleman with respect to the mode of dividing the Civil List. He divided it into ten classes. That principle of division appeared to me inconvenient, and I have divided it into five classes. The first of these classes is that for the Privy Purse and the allowance to her Majesty—the second relates to the service of the Household—the third to the expenses of the Household—the fourth class comprises the sums appropriated for the Royal Bounties—and the fifth consists of the Pensions. I have made this division of the classes of the items forming the Civil List, because it appears to me that all the rest ought to be under the control of Parliament. It is desirable that his Majesty, with regard to his personal income, and with respect to that which concerns his personal comfort, should be independent of this and the other House of Parliament. He ought not to be liable to have inquiries made into the mode of that expenditure; which would be a hardship on any individual whatever, and which would be the greater on him, on account of the dignified station he holds. With regard to the first of these classes—the vote for the Privy Purse, and the allowance to her Majesty—I do not intend to propose any alteration whatever. The sum charged to that class is 110,000*l.*, being composed of 60,000*l.* for the Privy Purse, and 50,000*l.* for the Queen. With respect to the second class—that relating to the Officers of the Household—the sum formerly proposed was 140,546*l.* I propose that the charge for that class should now be 130,300*l.* I do not mean that the House should consider this as a reduction to that amount, because it arises from a change in the arrangement, the reduction being occasioned by the removal of the salaries of officers of the Board of Works from the Civil List to the Consolidated Fund. I have made this alteration, because I think that all these officers should be under the control of Parliament. A reduction is also occasioned by the abolition of the office of Auditor of the Civil List. That has long been a sinecure office—the duties have been performed by the deputy Auditor, and I have therefore thought it ought to be abolished. The House will, however, perceive, that to deduct those two sums—the salaries connected with the Board

of Works, about 10,000*l.*, and the expense of the Auditor of the Civil List, 2,400*l.*—will make a larger reduction than the amount I have stated; but it is counterbalanced by including some smaller salaries, at present paid from other classes, which the House will perhaps not think it necessary that I should particularize. The third class proposed by the right hon. Gentleman was for the expense of the Household of his Majesty, and his suggestion was to the extent of 210,500*l.* My proposition for the same class is 171,500*l.*; and I must here remark, that I am not about to state the sum as an actual reduction, as the difference arises from transferring the charge of the Board of Works to a different department. When I first looked at the subject, I confess it seemed extraordinary that while the expense of all articles of consumption was so much decreased, the charge for the maintenance of the royal Household had remained unabated; but on examining the subject more minutely and accurately, I have arrived at the opinion, that a reduction cannot be made without compelling his Majesty either to alter his present style of living or to incur debt. I am sure the House will not wish that either alternative should take place. It must not be forgotten that an increase of expenditure is necessarily occasioned by the circumstance that we have happily at present a Queen Consort. I am prepared to assert, that his Majesty could not live in his present style with a smaller allowance, unless he pursued a system of greater economy in all the departments of the Royal Household. The fourth class relates to the royal bounty and charity, and the sum proposed by the right hon. Gentleman was 23,000*l.* per annum. In that I shall suggest no alteration. In the fifth class—that of pensions—I have made the greatest change. The following was the scale of Pensions charged by the right hon. Gentleman on the Civil List of England, Ireland, and Scotland:—

England	..	..	..	..	£74,200
Ireland	..	..	..	..	53,795
Scotland	..	..	..	..	31,222
Total	..	..	..	..	£159,217

I perfectly agree with those who think that a liberal allowance ought to be made to the King, to enable him to reward the services of the meritorious—to assist those whom his Majesty considers distressed—and to bestow marks of favour where those

marks of favour are deserved. Nevertheless, I am satisfied that the sum of 159,000*l.* is a great deal too much to be so applied. I know that it was the intention of the Duke of Wellington to lessen it to 144,000*l.* in the following manner—Pensions were to be allowed out of the Civil List of,

England to the amount of	..	..	£74,200
Ireland	..	..	40,000
Scotland	..	..	30,000
			£144,200

Still that sum would, in my view, be a great deal too much. My proposition is to bring the English, Irish and Scotch Pensions into one sum, which will much simplify and improve the account. I propose that the House, should grant for this purpose no more than 75,000*l.* making a reduction of 69,000*l.* I will now explain to the House the mode in which I mean to effect this reduction. Three modes have occurred to me. It might be done—first, by granting no pension until the list was reduced to the sum I propose; it must be evident, however, that this plan would be unfair to his present Majesty, as it would, in all probability, prevent him from granting a single pension. The second mode might be, that as pensions fall in, his Majesty should be allowed to grant a smaller sum, so as gradually to reduce the amount of the list. This plan is liable to some degree of objection: and the mode in which I propose to effect the reduction is the third. It is this:—That the pensions should be taken by seniority according to the date of the grant, and that those which amount to 75,000*l.*, standing at the head of the whole number, shall be placed on the Civil List; so that the public shall gain the advantage as the others fall in. I am aware that this plan, placing the oldest lives on the list gives his Majesty an advantage in the division; but, considering the great sacrifices made in the whole amount, I do not think that the House will object to allow it. It is necessary for me to explain the grounds on which I do not propose to remove any of the existing pensions, and I will state them shortly. It is certainly true, and no man is more ready to assert it than I am, that many of the Pensions on the List are such as ought never to have been granted; but after the best examination I have been able to give the subject, I am able

to say that the majority are merely and purely pensions of charity. I willingly admit that we have the legal right to put an end to all those pensions; they expire, by law, with the demise of the Crown, and it has no right to renew them. But though we may have a legal right, I doubt if we have an equitable right, to abolish them; because they were, undoubtedly, always granted on the supposition that the party receiving them obtained them for life. The result of my statement, unquestionably, is, that there will be, on this branch, no immediate saving to the public. When I say that there is no immediate saving, it ought not perhaps to be omitted that there is a saving to the extent of about 20,000*l.*; but I do not put it forward so far as a measure of economy. I think the great recommendation of my plan is, abstracting from the Civil List, not under the control of Parliament, the sum of 460,000*l.* per annum, which hereafter will be placed under the supervision of the House. The suggestion of the right hon. Gentleman (Mr. Goulburn) was, that 970,000*l.* should be granted for the Civil List, over the disbursements of which this House could exercise no control. My plan is, that only 510,000*l.* shall be so circumstanced; and although what I have opened to the House may not occasion any immediate saving, it will ultimately lead to it, and it will give Parliament the control it ought to exercise. Having said so much respecting the Civil List, I may remark, that there is another point, not indeed immediately belonging to it, but intimately connected with it, upon which I feel it my duty to say a few words. On the marriage of King George the 3rd, the sum of 54,000*l.* was granted to Queen Charlotte for her jewels, besides the outfit with which she was provided. In the case of the Princess Charlotte, also, a large sum was voted for the outfit of her royal highness; and I have reason to believe, that a proposition for granting an outfit to her present Majesty was under the consideration of the late Government. I believe that I am correct when I state, that the Duke of Wellington did not consider it unreasonable that such a proposal should be made to the House of Commons. Considering that her Majesty had to provide the whole of her royal establishment, and that many difficulties must necessarily be encountered whenever a person begins in debt, it did not seem to me unreason-

able that an outfit should be granted by Parliament. But I have the satisfaction of informing the House, that his Majesty, with the liberality which belongs to the constitution of his mind—with that considerativeness which renders him so attentive to the wishes of his subjects—and with that solicitude for the public welfare which has already given so much general satisfaction, declines to accept it. We cannot pretend to insinuate, either in this House or out of it, that the measures we propose have not received the sanction and approval of his Majesty. We have the happiness to serve a royal Master, who is glad to give a ready acquiescence to every suggestion tending to promote the welfare of his people. He has commenced his reign as, perhaps, the most popular King in our history, and he bids fair to preserve that popularity by an earnest and constant desire to merit it. I beg to move, that the papers be referred to a Select Committee.

Mr. *Goulburn*: I do not rise to enter into any details regarding the Civil List, and I shall follow the example of the noble Lord and his friends, who, when I had the honour of making my statement, reserved the expression of a decided opinion until they had due time for consideration. But I cannot refrain, even upon this first occasion, from offering a few observations upon what has fallen from the noble Lord. I understood that the decision the House came to in November last was, that the details of the measure were to be submitted to a Committee up-stairs, in order that they might report, not only what they thought ought to be the amount of the Civil List, but the details they considered expedient. I understood the right hon. Baronet (Sir H. Parnell) who proposed the Committee, grounded himself upon a precedent which went the length I have stated. He intended, that any measures, afterwards to be introduced by Ministers, should result from the inquiries of that Committee; and the point at issue between the right hon. Baronet and myself was, whether the preparation of the estimates belonged properly to the servants of the Crown, or to a Select Committee. Whatever was the decision of the House upon that occasion, I am glad, at least, to have the sanction of the noble Lord to the principle, that it is the duty of the Government, let it be composed of whom it may, to undertake the task of

preparing the estimates, instead of delegating the responsibility to others. The noble Lord has said, that he has endeavoured to conform himself to the principle advanced in debate by those who opposed the plan I had the honour of submitting. He has excluded from the Civil List all that was not strictly attached to the personal comfort and dignity of the Sovereign, and he is, no doubt, aware, that in taking this course he has been guilty of a departure from the principle upon which every Government has hitherto acted in the settlement of the Civil List. It has always been the practice, at the commencement of every reign, to provide for the Civil Government, and for the expense of the Civil List, in one sum. The noble Lord takes upon himself, for the first time, to separate the provision for the personal comfort of the Sovereign from the provision for the civil government; and when he comes to look into the various departments, I apprehend he will find it extremely difficult to follow up the principle he has adopted. There is in the Constitution a connection so intimate between what regards the civil government of the country, and what concerns the dignity and comfort of the Crown, that when the noble Lord examines the details, he will find it very difficult to justify some of the charges he has left on the Civil List. But I shall be better prepared to discuss this point when the *minutæ* are before the House. By the general features of the plan of the noble Lord, it appears that he does not, as he has justly stated, effect any great reduction of expense. He has candidly stated, as I was sure he would do, that, having inquired, he found that no considerable diminution of charge could be made, without infringing on the comforts of the King, and on the proper splendor and dignity of the Throne. I may congratulate myself, therefore, on having the testimony of the noble Lord in my favour upon this important point, and there is not a candid man in the country who would not render the same justice to the estimates brought forward by his Majesty's late Ministers. Whatever may have been said here, or whatever may have been the cry raised against them out of doors, it is now admitted that they were neither exaggerated nor improper. There is one important alteration proposed by the noble Lord, on which I confess I feel

considerable apprehension. I apprehend, that what the noble Lord puts forward as a reduction of expenditure, will, in fact, lead, at no distant period, to a great increase. He tells us, that it is intended to abolish the office, established in 1815, of Auditor of the Civil List, and that this duty is to be transferred to the Treasury. The total amount of charge is 2,400*l.*; and the reason assigned is, that the duties have been adequately discharged by deputy. I know that while I was in office, the exertions of this particular officer were essentially necessary to prevent the needless accumulation of expense in the department of the Civil List connected with the Royal Household; and, armed as he was with various powers by Act of Parliament, he was of the greatest use in detecting the sources of needless extravagance, and in stopping them before they had run to any extent. If the noble Lord thinks that the Treasury Board will be qualified to enter into an examination of details of this sort, or, in fact, that it will do so, he will find himself mistaken; and encroachments will be then made upon the personal comfort of the Sovereign. He will find, perhaps, ere long, that he has made a false calculation, and that the apparent saving of 2,400*l.* per annum may render it necessary hereafter to apply to Parliament, owing to the want of due control, and the consequent increase of expenditure. I should say, from my own experience, that if any appointment of the kind has answered the purpose for which it was made, it has been the office which it is now proposed to abolish. The experiment is, at least, hazardous, and the effect of it may be, to drive the King to Parliament to relieve him from the pecuniary burthen of an excess in the expenditure for the royal household. I will not now enter into the question, how far it may be expedient to withdraw from the Civil List that part of the disbursements occasioned by the preservation and repair of the royal palaces: the noble Lord means that these matters shall be annually submitted to Parliament: he thinks that a yearly discussion of such points, and others connected with the Board of Works, will be highly desirable, inasmuch as they relate personally to the Sovereign. Until I am more fully informed, I will only remark, that I differ from him in opinion. The great alteration he proposes in the Civil List is, the re-

duction of the pensions, which were about 155,000*l.* a year, and were intended by the late Government to be 140,000*l.* a year. The noble Lord's plan is, that they shall be reduced to 75,000*l.* a year. As to the amount of pensions the King ought to be allowed to grant, my opinion is certainly not that of the noble Lord. At no antecedent period has it been so small as the sum I intended to propose. No man can deny the necessity of this branch of charitable distribution; but the noble Lord intends to limit his Majesty's means, in this respect, to about half its present amount. My opinion is, that the prerogative of the Crown will thus be unduly and unfairly restricted—not only below what it has been in former times, but below the amount that ought to be fixed on, comparing the situation of the country with the situation of the Crown. If I wanted a popular topic upon which to descend, I should find it here; but I never have been, and never will be, the slave of popularity. Let me ask, who would deprive the head of the State of what is necessary to its proper dignity? I trust, whether in or out of office, I never shall be found among the number of those willing to do that. I concur with the noble Lord, that the proposed change in the pensions will be to the advantage of the Crown rather than to its disadvantage. If I understand the new arrangement, for the next few years the power of the King to grant pensions will be increased, while the restriction will only come into operation at some future period, and perhaps under some other Ministry. Let the House remember how the matter now stands. Upon the English list, the King may grant pensions to the full amount of the annual vacancies; but on the Irish and Scotch Pension lists he has not the same power. The Crown is limited on these two lists in the amount which it can grant, whatever may be the extent of the vacancies. The noble Lord intends to consolidate the three classes, so as to take away the limitation; and he besides places upon the Civil List all the seniors among the pensioners, so that the King will have the benefit of all the old lives, which, of course, drop off the fastest, while all the young lives are thrown upon the Consolidated Fund. The Pension list now amounts to 155,000*l.* per annum, and the vacancies in England may be stated, on an average, to amount to about 7,000*l.*

a-year. Since, then, all the young lives are thrown upon the Consolidated Fund, and all the old lives preserved for the Civil List, the result will be, not a saving, but a considerably increased expenditure, by enabling the King to give a greater number of pensions than he would, under other circumstances, have it in his power to give. The amount of pensions granted anterior to 1784 was about 12,000*l.*, and anterior to 1800 about 42,000*l.*, and by the proposed arrangement, the pensions on the lives that decrease slowly and gradually will be paid out of the Consolidated Fund; and on those that decrease rapidly, out of the Civil List. Hereafter, in some future reign, and under some other Administration, there may be a restriction upon the power of the Crown to reward public or personal service; but, under the present Ministry, it can hardly be said to be limited at all. I do not state this as an objection to the arrangement, because I hold it highly expedient that the Crown should possess ample means for exercising its bounty. I will not detain the House now by entering into any details; but, with respect to the annual inspection, which the noble Lord wishes to establish, into the salaries of ambassadors and ministers at foreign Courts, I must say, that it is an encroachment upon the constitutional rights and prerogatives of the King—perhaps the greatest encroachment ever made. If we are to maintain the principle, that the King is to regulate and conduct negotiations with other States, will that be possible if the Minister of the Crown must come down to the House of Commons to settle the specific salary of every envoy—to state the nature of his claim, the extent of his services, and the circumstances that render negotiation necessary? It seems to me, that this part of the scheme strikes at the very foundation of a great and valuable constitutional principle, that the Crown alone is to be intrusted with the management of our diplomatic relations. A fortunate concurrence of circumstances (though the present aspect of affairs in Europe does not by any means seem to promise it) may prevent inconvenience in this respect for two or three years; but sure I am, that if the noble Lord succeeds in carrying this part of his measure, many will live to rue the support they gave it. He has not stated, that it is his intention to effect any reduction in the diplomatic

expenditure of the country; but as it is not my wish to deal unfairly by the proposition, it may be better to postpone my remarks upon this branch until I have seen the details. The noble Lord and I differ upon great leading principles, but I shall always be ready to discuss that difference with due regard to his convenience. I shall never be anxious to take any undue advantage, but to give the fullest opportunity for the statement of opinion, and for the support of it by argument. There is only one other topic to which it is necessary for me to advert. We are told, that his Majesty has taken upon himself the expense of an outfit for the Queen. To those who have had an opportunity of personal access to his Majesty—to those who have communicated with him on matters of expenditure (always a painful subject, but most so between a Sovereign and his Minister), such a decision will give no surprise: they must have anticipated it; and I can assure the noble Lord, that if there were anything that could endear his Majesty to his people more than he has already endeared himself, it would be his deep regret and just consideration for the present circumstances of the country. I agree with the noble Lord, that if an outfit were necessary, the Minister of the Crown ought to propose it; and I only hope, that his Majesty will not find, that, by his liberality to his people, he has unduly lessened the sums that ought to be applied to his own personal comfort and dignity, so as to occasion hereafter inconvenience and embarrassment.

Lord *Althorp*: I only rise to explain upon two points where the right hon. Gentleman has misunderstood me. First, as to the abolition of the office of Auditor of the Civil List—what I meant to say was, which is really the fact, that I found nearly the whole of the duties of the Auditor discharged by his deputy. I have, therefore, done what I shall always think it right to do in such cases—I have abolished the office of Auditor, and I have provided, that the deputy shall continue his duties for a much less sum than the salary of the Auditor. On the other point I fully agree with the right hon. Gentleman: it would be inconvenient and inexpedient, that the items of diplomatic expenditure should be annually brought before a Committee of Supply; and I propose, therefore, that the amount shall be paid out of the Consoli-

dated Fund. It will then be under the control of Parliament; but the particulars will not come before it every year.

Mr. *Goulburn*: Then, as it appears to me, the difference will be no more than this:—To pay in two sums, and out of two funds, what has hitherto been paid in one sum, and out of one fund.

Sir *H. Parnell* referred to the grounds on which he had originally moved for the Committee on the Civil List; first, he had wished to obtain some clear and proper understanding of what was the plan of the right hon. Gentleman, then Chancellor of the Exchequer; and, next, he hoped to reduce the total sum required for the Civil List. It had never entered into his mind that the Committee should prepare the estimates by entering into a preliminary examination of the details. The course that night adopted by the noble Lord seemed exactly that which ought to be pursued, since it did not shift the responsibility of the Minister upon a select body delegated by the House. The noble Lord had made his statement, and was about to submit the changes he contemplated to the examination of a Committee. He also thought the noble Lord fully justified in the separation he had made in the items of the Civil List, as it would tend both to the simplification of public accounts, and to the due control of the disbursement of the public money. At the same time, he could not approve of what the noble Lord had said regarding the diplomatic expenses of the country; for he saw no reason why the items of the account should not be annually brought before Parliament: every sum ought to be separately discussed and voted, and the whole subject included in the Sessional Budget; thus every thing would be clearly brought before the House, and, through the House, before the people. Without entering into details, he could not avoid expressing his disappointment at not finding the noble Lord make any reductions below the statement of the late Chancellor of the Exchequer: in his (Sir *H. Parnell's*) opinion, there was room for such reductions, although he could not undertake to say exactly where they ought to be made. To one branch of expenditure he felt decided objections—the salaries of the Household Officers; the emoluments of the Lord Chamberlain, of the Master of the Horse, and of one or two more, were certainly too large. In

not making some reductions when they had the opportunity, Ministers had exhibited a want of that spirit of economy by which they ought to be governed in the present circumstances of the country.

Mr. *Hume* observed, that it would be unfair to pronounce any opinion as to the heads of the expenditure and he should therefore abstain from so doing. But when the noble Lord came into the Committee, he should oppose him there on two or three of those heads, which he thought exceeded the amount necessary to be expended. Upon looking over the fourth and fifth classes of the Civil List, he was satisfied that very large reductions might, and ought to be made. The royal bounty amounted to 23,000*l.*, and 75,000*l.* was proposed to be retained under the head of Pensions; so that nearly 100,000*l.* was proposed to be disposed of in this way. Looking over the list of pensions granted for a number of years past, he could not see one name in fifty which had any connection with the Sovereign, or any claim on the public bounty. He would not allow a shilling to be bestowed, therefore, as a gratuity, by Ministers, unless under the control of Parliament. At the same time he was not disposed to act illiberally towards the Sovereign. If 110,000*l.* was not enough for the King's privy purse, let it be added to, but let not such a sum as 98,000*l.* be granted for pensions, to be given away at the pleasure of Ministers. The noble Lord (the Chancellor of the Exchequer) said, the country was not, in future, to be managed by patronage, and he (Mr. *Hume*) added, that it ought not in future to be managed by corruption. By cutting off the power of granting pensions, he was convinced that they would secure a better government and a better system. The noble Lord said, that he found the pensions granted in the last reign consisted chiefly of what might be called "charitable grants." He (Mr. *Hume*) found those charitable grants were, for the most part, granted to Peers and their poor relations. He did not think Peers had any claim to be maintained out of the public purse. He had said in that House before, and now repeated it; that if Peers could not support the dignity of the Peerage from their private fortunes, they ought to lay down their titles. Formerly, Peers were able to support their own dignity, and sometimes to assist the Crown. They were intended to

stand between the Crown and the people ; but now-a-days Peers had degenerated, and become pensioners on the people. He would ask any man acquainted with the Constitution of this country, whether pensions should be granted from the public purse to maintain Peers? and yet thousands and tens of thousands were granted for that purpose. That House was bound to act on the same principle as regarded the high and the low. Now, if a man in the country was poor, and had a rich relation, and he applied to the parish for relief, he was told at once that the parish would not relieve him, but that he ought to go to his rich relation. He would act in the same way to the parties on the Civil List, and say to the poor individuals whose names now stood on that list as pensioners, "The public can give you no further assistance; you have no claim on the public purse—go to your rich relations."—If that course were not adopted by Ministers, he should think it his duty to submit each individual pension about to be granted, to a rigid examination. If that examination did not take place in the Committee, it ought to take place in the House; and though the investigation should occupy the House until June, in his opinion, the time of Members could not be better bestowed. It was now admitted by the Government, that he had the law with him, when he stated, that, by the demise of the Crown, the persons now on the Civil List had no legal claim to a continuation of their pensions. This being admitted, the country calling loudly for the abolition of all sinecures and pensions, and the Ministry being pledged to unsparing economy, he felt that every thing was with him, when he said, that a stop ought to be put to very many of the pensions now paid; and, indeed, to every unnecessary allowance. He had heard nothing in favour of continuing the pensions but the argument that they were charitable grants. It was a case, however, in which the House was bound to consider, that charity begins at home. Who paid those pensions? Many who laboured hard and fared sorrowfully. When they found that distresses were issuing for the payment of taxes day after day, was it right he, asked, that the produce of those taxes should be bestowed in charity on Peers and Peers' relations not of the poorest class? In his opinion, it would be true charity to relieve the public from the bur-

then of taxation; but it was nothing but profusion and waste, to apply the public money to the maintenance of those who had relations able to maintain them. Besides, the system of granting pensions led to the maintenance of a state of society which ought to be put an end to. It was now thought not shameful to receive money from the public purse, whether men performed public services or not. In many parishes, those who received parish relief had badges of dependence, which they carried about—yellow stockings, and so forth; and the dependents on the bounty of the State ought also to have some visible mark of distinction. There ought to be some expression of opinion, at least, as to the dependence of those who received public money; for they would not act justly if the same principle was not applied to the poor and the rich. All that he asked of the House, or rather, of his Majesty's Ministers, was, to act up to their promises, and not, upon any principle of false delicacy, to overlook such a system of extravagance. He did not see the names of any persons on this pension list who had any claims on the public for such pensions. They had obtained these pensions, not upon public grounds and for public services, but as the connexions and dependents of Ministers, and as individuals possessing parliamentary influence. The Government which had preceded the present had, in this respect, acted in opposition to every principle of economy. A pension was estimated as worth twelve years' purchase, and if the late Government had ceased to grant pensions but for one year, instead of granting pensions during the last year to the amount of 4,500*l.*, 54,000*l.* would have been saved to the public. During the last thirty years, a million and upwards of the public money had been squandered in this way, and yet he (Mr. Hume) would engage to call the right hon. member for Armagh before the Committee, and defy him to show one out of ten of the persons placed upon this Pension list who possessed any claims whatever upon the public. Perhaps, before they all dropped off, the amount of the public money thus expended would reach to a million and a half, and he (Mr. Hume) was therefore anxious to stop such a system of extravagance and profusion *in limine*, for if once a man got on the Pension-list, there was no end to the sum the public might be called upon to pay.

Under the circumstances of the country, he did hope that Ministers would be induced to reconsider their proposal. He had no objection that those whose names were now on the Pension-list should receive half the amount of their pensions this year, a quarter next year, and that the pensions should cease and determine in the third year; but further than this he did not think they ought to go; and he submitted, that this was acting liberally. If they were forced to carry on the old system, how unpleasant it would be to investigate the claims of every he and she now on the Pension List. He would ask the noble Lord, what advantage it would be, as regarded the saving of expense, to have the diplomatic expenses charged on the Consolidated Fund? He agreed with the right hon. Baronet (Sir Henry Parnell) that not one shilling of those expenses should be charged on the Consolidated Fund. That was the way in which expenses were kept out of the public sight. It was by the system of charging expenses on the Consolidated Fund, that Parliament had every year to deal with no more than 10,000,000*l.* or 11,000,000*l.*, instead of having to deal with the whole expenditure. He could not sit down without asking the noble Lord a question as to the amount of the income derived from the Duchy of Lancaster. He wished to know, whether it was intended to lay the amount of the income derived from that source before the House, and also, whether it was intended to state what other pecuniary resources the Crown had. He regretted that the noble Lord had not alluded to this subject, the more particularly as the present Lord Chancellor, when a Member of that House, had observed, in reference to the revenue of the Duchy of Lancaster, that, in common parlance, his Majesty's Speech at the commencement of the Session conveyed the idea, that his Majesty meant to give up the whole of his hereditary revenues. The noble Lord concurred in the view taken by the present Lord Chancellor, and he (Mr. Hume) now hoped, that the influence of the other side of the House would not induce Ministers to forget the principles they advocated when on his (the Opposition side). If any objection had existed to giving up the revenue of the Duchy of Lancaster—if an appeal were made to his common sense, he had no doubt his Majesty, in his own straight-forward way, would say,

"Give it up, undoubtedly; if there has been a doubt let the public have the benefit of it." In conclusion, he had only to observe, that he did not pledge himself to agree to any part of the proposed arrangement; but, as far as regarded the pensions, he would do all in his power to put an end to them.

Lord *Althorp* observed, that the hon. member for Middlesex had asked the Government to state the amount of the private income in the possession of his Majesty. Now, considering his Majesty's situation, and his conduct since he had ascended the Throne, he did not think that it would be right that his Majesty should be the first Sovereign of this country who was called upon to lay such a statement before Parliament. With regard to what the hon. member for Middlesex had mentioned, as to what had passed on a former occasion, in reference to the King's Speech, he was ready to admit, that he did, in the first instance, understand the King's Speech to mean, that the revenues derived from the Duchy of Lancaster were to be specified. He had now, however, reason to know that no such intention was meant to be conveyed by the Speech from the Throne, and he was, therefore, of opinion, that it would not be right on the part of the House, under such circumstances, to call upon his Majesty for such a specification.

Mr. *Maberly* said, that there was a great difference between placing the diplomatic expenses upon the Civil List, and placing them upon the Consolidated Fund. The difference consisted in this—that while Parliament could not deal with the Civil List when it was once voted, it could deal with the Consolidated Fund, and therefore the diplomatic expenses, and the other charges which it was now proposed to separate from the Civil List, and to place upon the Consolidated Fund, would be, for the future, completely under the control of Parliament. It was true that the sums which it was now proposed to place upon that fund were not to be voted annually, but nevertheless they would always be under the control of Parliament—away, therefore, went the whole of the case which the right hon. member for Armagh had endeavoured to make. The noble Lord's plan differed essentially from that which had been brought forward by that, right hon. Gentleman, for the noble Lord very properly proposed to take

the diplomatic, and other charges, which should never have been included in the Civil List, out of that list, and to put them under the effectual control of Parliament, by placing them upon the Consolidated Fund. There might be, in his opinion, a large saving made in those diplomatic expenses when they should come under the consideration of Parliament, and the noble Lord, therefore, deserved great praise for proposing to place them under the efficient control of Parliament. The proposition was a most excellent and important one, to give to the Sovereign what he wanted, and to separate the remaining charges from the Civil List, and place them on the Consolidated Fund, to be controlled and managed by Parliament. By that means the expenses of the great offices of State, and of the civil governments of Scotland and Ireland, were placed under the control of the House, and when it came to deal with them, it would be found that a great saving could be made in those departments of the public expenditure. By bringing them under the consideration of Parliament, the noble Lord had effected a great gain for the public. He conceived that the noble Lord was perfectly right in proposing the abolition of the office of Auditor of the Civil-list, for he had shown that it was a completely useless one. When the Pension List came to be looked into, he (Mr. Maberly) hoped, that instead of a saving of one half, even a still greater saving would be effected. It was in the power of Parliament to consider whether those pensions should be continued or not, and he must say, that in his opinion, most of those pensions ought not to be continued. When they should come under the consideration of the House, unless he saw something to change his mind on the subject, he would certainly vote for the discontinuance of those pensions. The Pension-list of this country, indeed, required a very severe retrenchment. Some bold measure must be proposed to check such a system of expenditure, for it was quite impossible that, in the existing circumstances of the country, it could be allowed to go on as it had hitherto done. The amount of the Pension-list was upwards of three-fourths of a million of money, besides five millions and a half Dead Weight, making in the whole 6,300,000*l.*, a burthen it was impossible the finances of the country could bear.

On looking over the Pension-list the other day, he found that there was one nobleman who was in the receipt of a pension of 4,000*l.* per annum from the Consolidated Fund, who had another pension of 3,000*l.* upon the 4½ per-cents, who had a regiment, the profits of which might be fairly estimated at 2,000*l.* a year, and who was in the possession of a government, from which, according to the Return, he received 2,800*l.* annually. Altogether, this nobleman was in the receipt of 12,000*l.* a year, from two different Pension-lists, from the regiment, and one government; and perhaps this noble person had not spent one fourth of his time at the government for which he received the salary of 2,800*l.* per annum. Now, the benefit of consolidation was this, that the whole of a parcel of items, like those he had mentioned, would be seen at one view, and by thus simplifying the accounts of the public expenditure, Parliament would be the more readily enabled to devise a proper and efficient system of retrenchment. He quite agreed with the hon. member for Middlesex in thinking that no pensions should be granted hereafter without undergoing the consideration of Parliament.

Mr. Goulburn, in explanation, begged to state, that by the Civil-list Act it was expressly provided, that the third class of charges on the Civil List, which comprised the diplomatic expenses, should be carried to the Consolidated Fund, and that they were always, in that way, under the control of Parliament. He would therefore repeat, that there was no difference as to principle between the plan now proposed by the noble Lord, and that which he (Mr. Goulburn) had laid before the House.

Mr. Maberly maintained, that heretofore the diplomatic expenses formed a part of the Civil List, and that they were in that way, placed out of the control of Parliament.

Mr. Guest wished to state, in reference to the particular pensions to which he had called the attention of the House previous to the recess, that he should feel it his duty, upon a future occasion, to take the sense of Parliament with regard to them, or to move for the appointment of a committee to take into consideration all the pensions which now stood over for the determination of Parliament. There was a pension on the Irish Pension-list, which

was received by Sir Robert Shaw, and which he had justified on the ground that it had been purchased. It was a pension granted in 1804, and he (Mr. Guest) could not discover that there was any claim upon the public for such a pension. There were several other grants on the Pension List, which well deserved the attention of the House.

Mr. G. Robinson said, that the two plans for the settlement of the Civil List, proposed by the late and the present Chancellor of the Exchequer, were quite different. The right hon. Gentleman, the member for Armagh, refused to submit his plan to a Select Committee, whereas, the present Chancellor of the Exchequer voluntarily proposed to submit his plan to the Select Committee, and much praise was due to the noble Lord for bringing forward such a proposition. One of the great merits of the plan proposed by the noble Lord was the simplification which it was calculated to effect, by confining the Civil List to those charges which were necessary for the support of the Sovereign, and by separating it from those other expenses which, properly speaking, had no connexion with the royal dignity. He was of opinion, that great good would result from separating the diplomatic charges, the charges for the Judges and the Board of Works, from the Civil List, and placing them under the control of Parliament. He was happy that he could give so far his cordial assent to the plan proposed by the noble Lord. He agreed, however, with the hon. member for Middlesex, in lamenting the great deficiency of the noble Lord's statement with regard to the Pension-list. After what had been stated to the House by an hon. friend near him (Mr. Guest) previous to the recess, upon that subject, and after what had met the public eye in the newspapers, with regard to the pensions, he did hope, that Parliament would not allow the Session to pass over without examining the Civil List of the late reign, and the pensions which had been granted in it. If the noble Lord opposite would propose a committee, to examine the grounds upon which those pensions had been granted, he should have his support. And if the noble Lord would not do so, he was determined to move for such a committee himself. He differed from the opinion expressed by the noble Lord, that a great portion of the pensions granted during the

late reign came under the class of charitable donations; and even supposing that they did, he would deny the right of the Minister of the day to grant them. He would not object to voting the sum of 75,000*l.* to his Majesty for pensions, if some mode could be devised to prevent future Ministers from abusing such grants as Ministers had hitherto done.

Mr. Robert Gordon said, that he certainly had expected that his noble friend, the Chancellor of the Exchequer, would have given a considerable relief to the country by some palpable and decided reduction in the Civil List; but in point of fact, he had made no reduction whatever. He was sorry, moreover, to say, that his noble friend, so far from simplifying the subject, had, in his opinion, mystified it; and the change of charges from the Civil List to the Consolidated Fund was a distinction without a difference. It was true, that placing the diplomatic allowances upon the Consolidated Fund put it in the power of Parliament to investigate them occasionally, and by a motion of a Member of that House; but he maintained that all such allowances ought to be annually and regularly brought before a Committee of the House. He had heard, indeed, that ambassadors were the servants of the Crown, and not of the Parliament; but such were not the present ideas of the country, and they were nice distinctions, which would not drive the country from its purpose of controlling and reducing the salaries of such public officers. No real and substantial control would be effected without voting such sums annually in a Committee of Supply. The people demanded every practicable reduction to be effected immediately, and they required that Parliament should exercise a strict and regular control over every part of the public expenditure. From the whole tenor of the arguments which the noble Lord on the Woolsack advanced respecting the King's Speech, when he occupied a seat on the Opposition side of that House, it was inferred, that if the Members of the present Administration had the power, they would place the revenues of the Duchy of Lancaster at the disposal of the Parliament, and he did not know where reductions could be more properly made than in the management of the Duchy of Lancaster. It was preposterous to make the Sovereign act in so many different capacities, and under so

many different titles, and yet he remembered, that when the hon. member for Middlesex had moved for a return of all persons of a certain class holding offices under the Crown, many names were omitted from the list upon the plea that they did not derive their appointments from the Crown, but from the Duke of Lancaster. He believed, that the real revenue of the Duchy of Lancaster was a mere trifle, some 13,000*l.* or 20,000*l.* a year, for the produce of this duchy was nearly all spent in patronage and places. His noble friend had said, that jobs ought to be put down, and that the Government could no longer be carried on upon a system of patronage; he was therefore justified in calling upon his noble friend to give a real account of all these expenses, and to let them come annually under the revision of Parliament. He would not go so far as the hon. member for Middlesex. He would not say, that the pensions should all be reduced by a per centage. But he trusted that Ministers would take the subject into further consideration, for he was bound to confess, that he could not receive the statement of his noble friend but with much of disappointment and sorrow.

Mr. *Tennant* said, that he entirely concurred with what had been said by his hon. friend near him (Mr. Maberly); but he greatly differed from the hon. Gentleman who had just sat down. He had not heard the statement of the noble Lord with sorrow, but with joy; and he knew that it would be received throughout the country with great joy. Considering the principle of separating the accounts more important than any other, he thought that the right hon. member for Armagh had cast an unfair imputation upon the noble Lord, in saying that he had not submitted the arrangement of the Civil List to a Committee. But he thought that the noble Lord would have been to blame if he had not taken upon himself the responsibility of that arrangement. When a Committee was called for in the early part of the Session, there were no means of bringing the Chancellor of the Exchequer for the time being, to consent to the separation, or consent to a Committee; now the House had both, which marked a strong distinction between the last and the present Administration.

Mr. *Hunt* said, he heard with great pain the statement made by the noble Lord opposite, for he felt that it would occasion

deep disappointment to the country at large—he felt that it would disappoint those expectations which the people were entitled to form from the earnest which the present Government had held out to the nation. When he spoke of the people, he spoke of those most interested in the matter then under consideration—he spoke of those by whom the means of defraying the expenses of the Civil List were supplied—he spoke of the industrious and useful classes of society—the productive portion of the population, and not the drones, by whom every thing was consumed. In the present moment of deep and overpowering distress, the people were looking up to the new Administration in the hope and confidence that on their first appearance before Parliament and the public, they would come forward with a proposition for the relief of those wants which it was impossible adequately to describe, and scarcely possible to endure. The Civil List certainly formed but a small portion of the expenditure of the nation; but the proposition of the Government would go forth as an earnest of their intentions, and the decision of the House would go forth as an earnest of its intentions, and of what the country had to expect from both. On the subject of the noble Lord's statement, he did not agree with the hon. member for Cricklade that there was any mystification in it—it was, unfortunately, but too clear. He had before that night imagined that it was always the object of Government to mystify matters of that sort, and of every sort connected with the expenditure of the country. He had always given them the fullest credit for mystification; but on that occasion he must do them the justice to say, that they had evinced no disposition to mystify. He trusted, that as he was so young a Member, they would extend to him the indulgence his inexperience required, and give him credit for every wish to avoid, in the delivery of his sentiments, anything approaching towards personal offence, or any want of that respect towards the regulations of the House which he should be at all times willing to manifest; but having been sent there by the people, and having been returned in a very extraordinary manner, by a great body of the people, without any solicitation on his part, and even without his knowledge, he felt that he should grievously disappoint the expectations which they had a right to form, if

he permitted that opportunity to pass without giving expression to the considerations which the conduct of the Government unavoidably suggested. He confessed, it appeared to him that the whole of the question then before the House had been that night argued as if the people had nothing at all to do with the matter—as though it was a matter entirely between the Crown and the House—as though the House were to pay so much money out of their own pockets to the Crown—and that there was no such thing in this country as a people from whose hard earnings alone could the sums under discussion be drawn. He could assure the House, that no man was more sensible than himself how much a friend to his people was the present King. The King of England proved, that he felt for his people, while his Ministers had displayed a very opposite disposition of mind. In substance and effect the noble Lord had told them that there was no relief to be expected on the motion of the Civil List. Now, he desired to learn why it was, that the former Ministers had found themselves under the necessity of resigning? What was it that broke up the former Government, and called the present Ministers to fill their places? Nothing more or less than this, that the former Ministers told the Parliament, and through them the people, that no relief could be afforded through the medium of the Civil List—that in that department there could be no reduction of the public expenditure. Upon this ground, then, he affirmed, that great disappointment could not fail to be generally felt, from the course which his Majesty's Government had thought proper to pursue. It was not for him to determine what might be too much or too little for the Civil List, but he too well understood, and too painfully felt, what the people were able to pay. If all the Members of that House were to visit the wretched dwellings which recently it had been his distressing lot to enter, they could not but agree with him, that, so far from being able to continue the endurance of the heavy burthens laid upon the people, they were in a condition demanding instant and extensive relief. In presenting a petition from Manchester yesterday, he had omitted to state an important fact, of which he had since been reminded, and reminded by the contrast between that fact and the present, he thought exorbitant, demand, on the purses of the people. The

fact he had to state was, that in one of the districts whence that petition came, the working people were not able to earn more on an average than from 4s. 6d. to 5s. a week; and from what he saw at another place in the same county, he could declare most conscientiously, that he readily believed that statement. When he was at Preston one Sunday, instead of going to church, he went round to the habitations of a considerable number of the poor persons resident in that town and its vicinity. The highest sum that any of them could earn was 6s. a week. Their breakfast was oatmeal broth—their mid-day meal was potatoes—and oatmeal broth again in the evening; they paid 6*l.* a-year for the wretched hovel they inhabited; 2*s.* a quarter for taxes; and 2*s.* a quarter for the clergy, with 1½*d.* for each chimney in the miserable dwelling. He inquired how long it was since any of them had had new clothes, and could not learn that any of them had bought a new garment within the last five years; they never were able to compass anything beyond second-hand clothes, and the poor unhappy beings were so ragged and dirty, that they could not think of going to church. He called upon those who attached so much importance to religious and moral instruction, to ask themselves how they could even indirectly be accessory to a system that kept the people in a condition in which they were unable to attend public worship—so ragged, so miserable, so filthy, so destitute even of soap to clean themselves, that every one of them was compelled to remain at home, and never to visit their parish church. They were taxed in bread, they were taxed in beer, soap, candles, and even in potatoes, and they were to continue to pay all these taxes in order to support the Pension-list, which was then submitted to Parliament. They had been told, that all those pensions legally expired at the demise of the Crown. Why, then, he would ask, not abolish the whole Pension-list, and allow the King to grant all the pensions anew to such only as deserved them? There was not a petition presented to that House which touched upon the subject of the public distress, or the financial difficulties of the country, which did not call for a reduction of the Pension-list. It was the unanimous demand of the people, that all pensions be abolished, except those which had been merited by acknowledged public services,

If those petitions were to be definitively answered in the manner in which his Majesty's Government then proposed they should be answered, the people would be driven to despair, from whence the transition to disturbance was easy, and but too certain. He was not the man to say elsewhere what he should be ashamed to repeat in that House; and as long as he was a Member of that House he hoped and trusted, that he should so conduct himself as never to fail in respect towards any individual Member, or towards the House collectively; but with every wish to be governed by such a feeling, he would call upon the House to demand information respecting the property derived from the Duchy of Lancaster. It was the duty of the House to see all that the Crown possessed. He was not one of those who called for any reduction of what was necessary for the ease and comfort of the Monarch, but let the means for promoting that be seen and understood. He was perfectly sensible of the disposition which his Majesty had shown to contribute to the relief of his people. The King was justly so popular, that anything in which the Ministers failed would be laid at their own door, and not at that of the King; for example, nothing could more merit the gratitude of the people than the manner in which his Majesty had declined the outfit for the Queen, of 50,000*l*. How different was the conduct of the Ministers! the reason their conduct formed a bad earnest for the future was, that it afforded indication that they had no intention of reducing their own salaries. He remembered well when those salaries were raised to the present high amount—when a Message came from the Crown, recommending an increase of the incomes of the several members of the Royal Family, and the high Officers of State, on the ground that every article of life had risen in price one hundred fold, and that, therefore, the King, the Royal Family, the Judges, and the other Officers of State, could no longer live upon their former incomes. But out of whose pockets were those incomes to come? Out of the pockets of those who themselves were called upon likewise to pay for every necessary of life at an enhanced price. He thought, that if that consideration had been mentioned at the time, it would have had the effect of preventing so unjust an arrangement. As matters then stood, he hoped the House would not let it go forth

that there was to be no reduction in the Civil List—no reduction in the Pension List. Though it was intimated that there was to be a reduction of one-half in the Pension List, he must take the liberty of saying, that, substantially, there was no such reduction. There might be some reduction in future, though that was doubtful: but what the people wanted was present relief. It would be little, then, to the credit or advantage of the present Government, to have it go forth in the newspapers of the morning, that the just expectations of the people were to be disappointed, and that the present Ministry, like the last, were pursuing a course calculated to drive the people to despair. In making that observation, however, he felt bound in justice to bear testimony to the humanity and wisdom which the Government had recently shown in respect to the unhappy persons who had been tried and found guilty in the disturbed districts—that proceeding was more calculated to restore tranquillity than any other which they could adopt, and he sincerely hoped that these merciful dispositions would be carried still further; under the influence of such a sentiment, he intended, on an early day, to move an Address to the Crown, praying for a general amnesty to the whole of those unhappy beings—if such an Act as that was passed [*cries of "Question."*] He apologised to the House if he had departed in the slightest degree from the precise question under consideration. He should be ashamed of himself if he wilfully travelled out of any question which he might take a share in discussing; at the same time, that he should be still more ashamed of himself—if, sent to that House by poor and honest men, who lived by the sweat of their brow and the toil of their hands, he did not deliver his sentiments manfully and sincerely—if he did not make an humble, though earnest appeal to his Majesty and to his Ministers on so pressing an occasion.

Sir Roger Gresley expressed a hope that no innovation would be allowed to disfigure our blessed and beautiful Constitution; that nothing would be withdrawn which was required for supporting the dignity and the splendor of the Crown, or tending to diminish that bounty, of which the Crown was anciently the dispenser. He loved liberty much, but he loved Monarchy at least as much, and he could not help lifting up his voice to

warn his countrymen that if they weakened the Monarchy, they would destroy liberty. He was opposed to the attacks which it was the fashion to make on the splendor and dignity of the Throne.

Sir *James Graham* was sorry to see the House so dissatisfied, and he thought his noble friend, the Chancellor of the Exchequer, was placed in a strange position; for whilst the hon. member for Cricklade complained that he had mystified the Civil List, the hon. member for Preston accused him of being too clear and plain, and of speaking out too freely. Now, he should wish to take the assistance of both these Members to aid his judgment, for at present he was in suspense whether the hon. member for Durham (Sir Roger Gressley) had spoken intelligibly or not. He must say, he regretted that the hon. member for Cricklade, in changing his place in the House, had not also changed his line of action, or the spirit of his opposition. He regretted that his hon. friend opposed the present Ministry in the same manner, and he might say, with a like degree of acrimony—as he had manifested towards men who acted in a way directly contrary to those who now held office. This conduct of his hon. friend had occasioned him some disappointment. He trusted, that the hon. Member would have exercised a little forbearance towards friends with whom he had so long acted, and whose honesty he professed to respect. He called upon his hon. friend to wait and see what were the measures of Ministers before pronouncing definitively upon them; perhaps it was not too much to require of other hon. Members to adopt this reasonable course. With regard to the hon. member for Preston, it was due to him that he should treat the hon. Gentleman with respect, because that hon. Member had not failed to treat the House with respect. Recollecting what he conceived to be due to his constituents, the hon. Member had not forgotten what was due to the House; and upon that ground, as he had said before, he wished to treat what fell from the hon. Gentleman with every respect. The hon. Member tendered his advice to his Majesty's Ministers on the subject of the Civil List, which he pressed strongly on their re-consideration. Now, if this was a measure with respect to which Ministers had not fully made up their minds, or in reference to which there ap-

peared room for further consideration, (after the careful investigation which the matter had already received at their hands), he for one would be prepared to take the hon. Gentleman's advice; but he maintained that it was not necessary to reconsider a subject which had already received the most anxious deliberation, and upon which the members of his Majesty's Government were, after the most mature consideration, unanimous in their opinion as to the course to be pursued. He wished to act with the most perfect candour, and he was bound to state, that to flatter no expectations would he hold out the slightest hope that his Majesty's Government could depart from their present proposition. The hon. member for Preston had said, (and with great truth) that all that was gracious in the proposition flowed from the Sovereign. In this he perfectly agreed with the hon. Gentleman, as well as in the remark which followed, that every thing that was ungracious and disagreeable in the measure was the act of his Majesty's advisers. Take the measure as it stood, and it had been their counsel to the Sovereign to submit it to Parliament in its present shape. Ministers took the entire responsibility of the measure on themselves. Living under a limited Monarchy, he, for one, was of opinion, that the decent splendor of the Throne, and the comfort of the Sovereign, should be upheld. Ministers would have betrayed their duty to the Crown and to the country, if, being of this opinion, and having considered what was necessary for the maintenance of the Monarchy in a becoming manner, and, after all, agreeing upon the point, they would have failed in their duty, if, after this, they had hesitated to bring forward a Civil List, in amount such as they considered calculated to effect the object which they had in view. He repeated, what was gracious in the present proposition was the act of the Sovereign; what was disagreeable and (if the House so thought) extravagant, the act of Ministers. He had little or nothing to add to the statement already made by his noble friend the Chancellor of the Exchequer. With respect to the first class of the Civil List, which embraced objects connected with the fitting splendor, and, he might say, comfort of the Sovereign, Ministers had found, upon the most careful inquiry, that without an alteration in those matters,

—indeed, in the present daily expense of the Sovereign,—no less a sum than that now proposed under this head could be recommended to be granted. There was no concealment in his Majesty's style of living,—the Sovereign lived in the eye of his people; and it must be apparent to all, that, notwithstanding the exercise of a splendid and becoming hospitality, there was nothing extravagant—no profuseness in the Royal expenditure. His Majesty acted generously, kindly—(if he might use the word) hospitably, but only to an extent such as became the Sovereign of these realms. Convinced that their royal master ought to be enabled to live and act in this manner, Ministers had proposed such a Civil List as would support the proper dignity of the Crown. The hon. member for Preston talked of representing the people; he (Sir J. Graham) was also a Representative of the people of England, and owed his place in that House to the system of popular representation; and such being the case, he was disposed to pay every consideration to the interests of the people, at the same time that he endeavoured to uphold the Throne, between which and the people the union was as intimate as beneficial. Of this he felt assured, that the people were satisfied that the maintenance of the dignity of the Crown was necessary to the well-being of the State, under our present Constitution; and that, if it were proposed to cut off one single comfort belonging to the Sovereign, the proposition would not be acceptable to the people, who, so far from desiring to see the Throne curtailed of its decent magnificence, would wish the scale of the royal expenditure to remain undiminished. The House had heard how nobly, how magnificently his Majesty had behaved in reference to the expense of an outfit for the Queen. Although this was a point upon which it was perfectly natural that the Sovereign should feel warmly—although it was reasonable that his Majesty should desire to see a due provision made for his royal Consort in this respect—the recollection of the sufferings of his people overcame, in the mind of the King, the feelings of the man and the husband. His Majesty, feeling as a King, declared that a proposition which Ministers were perfectly willing and prepared to make for the outfit of the Queen should not be urged,—saying, this will be a mark of sympathy for my people, a sacrifice,

however trifling in effect, in their favour, and the thing shall not be done. With respect to the revenues of the Duchy of Lancaster, he entreated the House to recollect what had been surrendered by the Crown on this occasion; his Majesty had given up the Droits of Admiralty, his interest in the $4\frac{1}{2}$ -per cent duties, and had accepted of a proposition for a reduced Civil List: the reduction was small in amount if they would; still an important principle was involved in the proposed construction of the Civil List, which ought never to be lost sight of,—namely, the placing of a large sum under the control of Parliament, which sum had been previously beyond its reach. The Duchy of Lancaster constituted part of the revenues to which his Majesty had succeeded. Henry 4th, Henry 7th, and, curiously enough, the Protector Cromwell, had severed the Duchy of Lancaster from the hereditary revenues of the Crown, and it now remained perfectly separate and apart, and was to be considered as belonging to his Majesty personally and privately, and not in a public shape. To talk of the amount of the revenues of the Duchy of Lancaster, when arranging the Civil List with a view to determine that allowance, was (if he might use so humble an illustration) just the same as if, in dealing with his (Sir J. Graham's) salary, as First Lord of the Admiralty, the House were to say, "Before we settle the sum which you are to receive in your official capacity we must consider the amount of your private estate." Those revenues formed no part of the hereditary revenues of the Crown, though they did come to his Majesty by inheritance, and they were not open to investigation in that House, unless his Majesty expressly gave them up for the benefit of the public. It should be recollected, that in granting the Civil List, they were not endowing a Sovereign stripped of a private fortune, but compounding with a Sovereign, possessed of large and extensive revenues, quite as large in amount as was the proposed Civil List. It was a question of expediency to settle with the Sovereign upon equitable principles. The Civil List was, in fact, a bargain with the people of England, and not a charity extended to the Sovereign, and it was to be concluded upon fair and equitable principles. With respect to the article of pensions, it was contended that Ministers had made no reduction. Now

he contended that they had; they had reduced the pensions upon the Civil List by one half. The hon. member for Cricklade said, "Not at present," but though that hon. Member was an ancient reformer, he (Sir J. Graham), as an ancient reformer also, would ask him—presuming reform to be synonymous with justice—how he could reduce them on better principles? He appealed to his hon. friend, who ought to know better than to make the assertion which he did, to be just and impartial, and look at the question fairly. How did the case stand? The proposition of the late Chancellor of the Exchequer was, to charge the Civil List with pensions to the amount of 140,000*l.* a-year; his Majesty having the power of disposing, year by year, of such pensions as should fall in up to the amount specified. Now, by the proposition of his noble friend, 82,000*l.* of those pensions were to be fixed upon the Consolidated Fund, and the pensions, as they fell in, were to be carried to the public account. The remainder of the pensions were to be placed on the Civil List. Here was a broad and marked feature of distinction between the two plans, and yet the hon. member for Preston asked what difference existed between them. The pensions on the Consolidated Fund were under the control of Parliament, and could be placed to the public credit as they dropped; while those upon the Civil List were beyond the reach of the Legislature during the life of the Sovereign, and were filled up as vacancies occurred. Then as to the difference between the two plans generally. The late Ministry brought forward a Civil List of 970,000*l.* a-year, saying, "We propose this amount upon our own responsibility, and with respect to the details of the provision, we refuse to submit them to the examination of a Select Committee," whereas, the present Administration said, "we propose a Civil List of 510,000*l.* a-year, and the details shall be submitted to a Select Committee." In point of fact, the late Ministers said, "a sum of 970,000*l.* shall be placed beyond the control of Parliament during the life of his Majesty." But the present Ministers declared, "we only ask for 510,000*l.* a-year, and the remaining 460,000*l.* shall be placed within the reach of Parliament." Besides, in order to meet the objection of the right hon. Gentleman opposite (Mr. Goulburn), with respect to the diplomatic expenditure,

and to render it unnecessary for his Majesty, when he thought fit to establish diplomatic relations with any power, to come down to Parliament and say, "Will you consent to send an ambassador to this State?" and with a view to obviate the difficulties that might be thus created in our foreign relations, it was not proposed that this allowance should be voted annually, but it was intended to place the diplomatic charge on the Consolidated Fund. Notwithstanding which, the expenditure would still be under the control and within the reach of Parliament, if at any time it should be thought too great. The hon. Member said, "it was so at present;" and legally, perhaps, it might be, but it must be admitted, even by the hon. Gentleman himself, that practically it was not. What had been the constant argument whenever it was proposed to touch this branch of expenditure? "Do not meddle with it now, because the proper time to deal with the subject will be when, upon the demise of the Sovereign, you come to frame a new Civil List. You had better wait till then." With respect to pensions granted by the Crown, he would not go into the question whether the title was legal or equitable. Suffice it to say, his Majesty had the power to grant pensions on the Civil List; that was undoubted; and upon the faith of the continuance of those grants for the lives of the holders, settlements had been made, and debts incurred, and various arrangements of an irrevocable nature were entered into, and although Parliament had the power, on the demise of the Crown, to cut off those pensions, it would be acting, not only unfairly, but, he thought, unwisely, if it did. The right hon. Gentleman opposite declared, that whether in or out of office "he would never bend or truckle in order to obtain a little spurious popularity." Now he begged to assure the House, that high moral principle and independence were as dear to him as to the right hon. Gentleman, and that while he continued to serve his Majesty, he would endeavour to serve him faithfully to the best of his knowledge and ability. Never, for the sake of any popularity, would he counsel his Sovereign to adopt a measure calculated to militate against the security of the Throne or Government of the country. To the principles upon which that security was founded he firmly adhered, at the same time that he

was ready to pay to popular rights every attention. Before three short weeks had passed over, he hoped his noble friend (Lord J. Russell) would bring forward the measure of a united Cabinet, for a full and effectual reform of the Representation. It would then be seen whether or not he and his colleagues were disposed to respect popular rights. With regard to the present question, Ministers had encountered considerable difficulty; and after taking great pains, he believed they had decided honestly and justly, and he was not afraid of consequences when honesty and right were on their side. He entreated Gentlemen to wait a little, and see the march of the Government before they condemned it. Of this he felt satisfied, that in the measure which Ministers now brought forward, there was nothing inconsistent with their professions or principles: if he had thought differently, nothing would have induced him to address the Chair from that side of the House.

Mr. Calcraft observed, that at whatever side of the House he might sit, he should not fail to express his unbiassed opinion of measures upon their intrinsic merits, without reference to the persons who originated them. He said at the time when his right hon. friend brought forward his Civil List, that he (Mr. Calcraft) had not made up his mind on the subject of the proposed division of the items contained in it, or as to the expediency of confining the allowance strictly to the sums immediately connected with the support of the Crown. Since that period he had considered the subject, and he approved of the course now adopted in the division of the Civil List. He also approved of the Civil List itself, as, indeed, how could he disapprove of it, seeing that, so far as it went, it was the same Civil List as had been proposed by the Government of which he was a member? The right hon. Member proceeded to observe, that one hon. Gentleman had accused the noble Lord (the Chancellor of the Exchequer) of mystifying the subject, while another declared his opinion that the Chancellor of the Exchequer spoke but too clearly. He thought, odd as it might seem, that both those remarks were correct. The noble Lord had spoken out too clearly for the credit of his party, because his Civil List proved to demonstration that the present Ministers could not diminish the amount of the burthen which their predecessors

proposed to inflict. After a keen scrutiny of six weeks, Gentlemen opposite could only save some 5,000*l.* or 10,000*l.* a-year upon the Civil List of the late Administration, the members of which had unfortunately lost their places for the sake of this paltry trifle—a most lamentable case, as every body must admit. In speaking of the saving, he took the actual *modicum* of economy to be effected, which, however, he must do the members of the present Cabinet the credit to say they appeared ashamed of, and did not very much insist on it. So much for speaking too clearly: as to the charge of mystifying, he did think, that the noble Lord had mystified the subject of pensions most adroitly. The noble Lord had managed it so, that during the continuance of his own Government (unless its termination were very near at hand), he would probably have the pleasing task of advising his Majesty to grant a considerable amount of pensions; for he had considerably thrown all the young lives upon the public, while, with an infinite deal of humanity, he took all the old lives, and placed them under the protection of his Majesty. The noble Lord, as every body knew, was an extremely kind and considerate man, and if the frosty weather returned, no doubt one or two of his Majesty's list would drop off and leave some vacancies for pensions on the select roll. The right hon. Baronet had so mystified the business also, that he had but little opportunity to make himself master of it. He said, the difference was, that the late Government would not consent to refer their estimate to a Committee, but that the present Ministry were desirous of sending theirs to such a Committee up-stairs. Now, what the late Government contended for was this—that there was no precedent for such a proceeding, unless where the Crown came to the House to pay its debts. He might quote the words of Mr. Fox, in support of this position. The late Government, however, intended to submit the Civil List to a Committee of the whole House, as being the most searching ordeal through which it could pass, while the present Government proposed sending it to a Committee up-stairs, sitting with closed doors, and usually chosen by Ministers to forward their own views. Even if the Ministers wanted to make a reduction in the Civil List, experience showed that the best way to effect that was by a Committee of the

whole House. It was by such Committees that the greatest reductions had always been made. By such a Committee was it that the great reduction in the army, in 1816, was made; it was by a Committee of the whole House—not by a Committee up-stairs, a garbled Committee, one that might be called a Ministerial Committee, prosecuting its inquiries with closed doors, shut out from all publicity—a Committee to do as the Ministry bid it—that was not the sort of Committee the late Ministry recommended, but that was the sort of Committee now recommended. Here was to be no publicity—no open inquiry. If the Ministers wanted retrenchment, they would have an open Committee of the whole House, all the proceedings of which were public. The Committee they proposed, however, was a Committee up-stairs. If his noble friend, in appointing such a Committee, was so disposed, he might make it an unfair Committee, [*hear, hear.*] Oh, he understood that cheer; the Committee was already appointed, and his hon. friend, the member for Queen's County, (Sir H. Parnell) who made the motion for that Committee, the great leader who turned out the late Government, was sitting at that—the Opposition side of the House. His hon. friend might exclaim, "Oh, kill your next Percy yourselves—you are there and I am here." He hoped his hon. friend would soon make a similar motion, and that the House of Commons would give the country the benefit of a similar decision. The Ministers gave the House the same estimate that they (the present Opposition) had defended; and if his hon. friend who turned out the late Administration by his motion, and now appeared half desirous of turning out the present Ministers, would give them the opportunity, the same persons would again defend it. It amazed him, however, to find the Ministers, who had objected to the estimate, now inconsistently defended it, though their objection had reduced them (the Opposition) to the dilemma in which they were placed. Then the Ministers said their estimate was irrevocable. That was most extraordinary in them, who prided themselves on their popularity, and looked to the public support to maintain their places. They said, they would send the estimate to a Committee; but that appeared of no use, for they said, at the same time, that the estimates were irrevocable. Did they mean that they

would allow Parliament to make no alteration in it? He hoped not. The Ministers were to stand by public opinion—they expected to be upheld by some sort of Utopian ideas of public good—they looked to the House of Commons for support, and yet they said their estimate was irrevocable. He hoped he should be able to justify the estimate of the late Government should he be restored to place, and he was delighted to see his hon. friend, the worthy Baronet, the member for Queen's County, on that side of the House, and he was also pleased to see there his excellent friend, the member for Cricklade, (Mr. R. Gordon) who was so agreeable with his pleasant satire and his disposition to be in opposition and check extravagance, and he hoped, by their exertions and those of his own friends, to be speedily restored to the other side of the House.

Sir J. Graham, in explanation.—The right hon. Gentleman says, I announced our decision on the Civil List as irrevocable, and insinuates that I thereby showed how little respect Government was disposed to pay to the opinion of a Select Committee. I did say, in answer to the call of the hon. member for Preston to reconsider the proposition; that it was needless for Ministers to reconsider that upon which they had unanimously and finally made up their minds, especially before the question had been submitted to the Select Committee. I said, that as far as Ministers' opinion went, they had made up their minds, and brought the subject forward upon their own responsibility; but I did not say, that Parliament could or ought not to alter or modify their proposition. Government looks to the Committee and to the Legislature to approve the proposition if it seem reasonable, not otherwise. As congratulations appear the fashion, perhaps the right hon. Gentleman will allow me to congratulate him on sitting upon the Opposition side of the House again, and to congratulate myself upon again hearing from the right hon. Gentleman one of the speeches which so frequently delighted me when directed from the same quarter, but against different adversaries.

Mr. Calcraft expressed himself perfectly satisfied with the explanation of the right hon. Baronet, whom he thanked for his kind congratulations. He had only a single word to add:—if the Estimate were cut down in the Committee by the labours

of the hon. member for Queen's County, or by any one else, did his Majesty's Ministers mean to resign?

The Motion for referring the papers to a Select Committee agreed to.

CALL OF THE HOUSE.] Mr. *Maxwell* rose to make the Motion of which he had given notice yesterday. His object in proposing a Call of the House was not with a view to any particular measure, but to ensure a full attendance of Members, as he conceived this one of the most important Sessions that Parliament had ever assembled. He should move, therefore, that the House should be called over on March 18th. Motion agreed to.

REVENUES OF THE JUNIOR BRANCHES OF THE ROYAL FAMILY.] Mr. *Hume* rose to move for Returns relative to the incomes of the Junior Branches of the Royal Family. He stated, that formerly all these Revenues were paid out of the Civil List; and as all other salaries, pensions, and revenues, were to be reduced, he thought the revenues of the Royal Family might be reduced also. Up to 1806, each of the junior branches of the Royal Family had not more than 12,000*l.* a year; then, under the Administration of the Talents, 6,000*l.* a year was added. The Act then passed stated, however, that the incomes should not exceed 15,000*l.* a year; and he thought there were good grounds for inquiring into the subject, when he found the Duke of Cambridge had 27,000*l.* a year, besides the emoluments of a high situation in another country. The grants to the other members of the Royal Family were proportionably large. He knew that what each one of the Royal Family received might be ascertained by the public accounts on the Table, but he wished to have all their incomes placed before the House in one view. He regretted, that he had concurred in the Act of Parliament for providing for the servants of George 3rd. He believed that that King had left no property behind him, or otherwise he certainly should never have agreed to that Act. There was, however, much property left behind, and it was wholly unaccounted for. The whole of these expenses were not less than 271,000*l.* a year—a sum fully sufficient to maintain the dignity of the Sovereign. Every person in the country strove to live up to the pattern set by

the Sovereign and the Princes of the Blood. Following their example, every man in the country lived beyond his income, and was encouraged to do so by the extravagances of the Princes, and by the example set by that House. He was not in the habit of referring to *The Quarterly Review* to enforce his statements; but it was very ably stated in that work last year, that the extravagance of the salaries given to public men had had a most pernicious influence on the country, by affording a bad example. At present, all the higher classes were in great difficulties; and if the House hoped to cure these evils, it must begin at the head. He hoped that the good sense of the members of the Royal Family would induce them to consider the value of public opinion, and reduce their expenses. There was another part of the subject which he wished to notice. On the death of any branch of the Royal Family the incomes of the survivors were liable to be augmented. He wished, therefore, to have a Return of the income of each member of the Royal Family, and of the contingencies of increased income of which they had expectations. The hon. Member concluded by moving for “A Return of all sums of money paid out of the Consolidated Fund to the several branches of the Royal Family, separate from any payments to be made from the Civil List; stating the amount paid to each, the Acts of Parliament under which it was granted, and the amount granted to each; and also, what contingent benefit each member might expect under the Acts.”

Mr. *Goulburn*, knowing it was better to correct a false impression at the moment than afterwards, rose to say, that the income of the younger branches of the Royal Family were not liable to be increased at the death of any of the members of that family. That, he knew, was a general opinion, but it was an incorrect one.—Motion agreed to.

PENSIONS TO THE ROYAL SERVANTS.] Mr. *Hume* also moved for an account of all sums paid to the Servants of George 3rd, the Servants of Queen Charlotte, and of Queen Caroline, under the Acts of the 1st George 4th, c. 129; the 55th George 3rd, and the 3rd of George 4th; showing the amount paid in each year, and the whole amount paid.—Motion agreed to.

PENSIONS TO OFFICERS OF THE STATE.] Mr. *Hume* said, there was another class of pensions well deserving the consideration of the House, on account of the abuses of them. The 57th of Geo. 3rd, was passed at a time when there was a great reduction of sinecures, with a view of giving to the Sovereign the power of rewarding his public servants. But the manner in which that Act had been carried into execution had led to great abuses. He found that persons received pensions three times more valuable than their services. He found pensions granted to persons who had 50,000*l.* a-year. There was a pension of 1,500*l.* a-year granted to the governor of Madras, who had also a salary of 10,000*l.* a-year. That was an abuse never contemplated by the Act. He found that Lord Sidmouth had a pension of 3,000*l.* a-year, Mr. Lushington, 1,500*l.*, Mr. Goulburn, 2,000*l.*, Mr. Hamilton, 1,000*l.*, Mr. Croker, 1,500*l.*, Mr. Courtenay, 1,000*l.*, Mr. Hobhouse, the late Under Secretary, 1,000*l.*, Mr. Planta, 1,000*l.*, and Lord Bexley, 3,000*l.* The services of all these gentlemen were never worth 3,000*l.* That was his conscientious opinion. He considered that most of these pensions constituted a pure waste of the public money, and he appealed to the hon. member for Dorset whether the Bill had not disappointed him? The hon. Member concluded by moving for a Return of all persons entitled to Pensions under the 57th Geo. 3rd, c. 65, and the 4th of Geo. 4th, c. 90, stating the names of those persons, and the amount of their Pensions, the nature of the services for which they were granted, and how long each individual held Office, and the amount of their salaries and emoluments.

Mr. *Courtenay* seconded the Motion. His name was one the hon. Member had mentioned, and he must state, that he, for one, courted the investigation, and should be quite ready to meet the hon. Member when he chose to bring the subject forward.

Mr. *G. Robinson* stated, that he thought the House would not do its duty if it did not discontinue these Acts. The principle of these Acts was, to give a power to the Crown to grant pensions for public services, whatever might be the services of those servants, and whatever the amount of their private fortunes. That was a most vicious principle. It was anticipating the power of Parliament. He could

readily conceive a case of a public servant entitled to a pension, but he must protest against the principle of conferring unnecessary pensions on those who had private fortunes. One member of a Ministry might retire and need the 3,000*l.* a-year, another might have a fortune of 50,000*l.* Suppose a Minister retiring with a fortune of that kind, would he dare to ask the House of Commons, or would he induce any other person to ask the House of Commons to grant him such a pension for life? Certainly he would not. And if he did ask for a pension, he believed that there would be sufficient virtue and decency in the House to resist the proposition. These Acts further gave pensions to the Under Secretary of State, to the Secretary of the Admiralty Board, to the Secretary of the Board of Control, to the Secretary for Ireland; and to various subordinate officers they gave a retiring pension for life. The consequence was, the country was saddled with various pensions, far beyond what he believed the public was aware of, and far beyond what it would be disposed to grant. The Act ought, in his opinion, to be repealed; and if the hon. Member who had made the Motion, and who contemplated, he supposed, some further proceedings, did not move for the repeal of it, he would, and he would move for the repeal on the ground that all these pensions ought to be granted by a vote of Parliament.

Mr. *Goulburn* hoped, before the hon. Member moved for the repeal of the Act, that he would read it, and either he had not understood it, or he had not read it. The hon. Member stated, that the Act gave a right to certain public servants to receive pensions, but it only enabled the Crown to grant pensions to persons qualified according to their services. The hon. Member would find, if he read the Act, that only six of the upper classes were entitled to the higher pensions. He believed, too, that those who were entitled to pensions, but abstained from claiming them, were nearly as numerous as those who received them. He was himself one of the latter class; but if the hon. Member gave him that opportunity of inquiry and examination which he had promised, he was confident he could prove that his services entitled him to receive it, and that he was not altogether unworthy of some remuneration for his exertions.

Motion, with an Amendment, suggested

by Mr. Hume, that the amount actually paid should be added, agreed to.

EAST-INDIA COMPANY'S CHARTER.]

Mr. C. Grant, in moving the re-appointment of the Committee, nominated last year to inquire into the state of the Trade with India and China, said, he should not at that late hour, and on a subject with which Members were already sufficiently familiar, trouble the House with many observations. The Committee of last Session had, it would be recollected, sat many months, but although they had given the subject before them the most unwearied attention, and laboured with the utmost diligence, they found it impossible to render their labours complete, and it was the opinion of those acquainted with the subject, that there were several important branches of it which yet required examination. In compliance, therefore, with this opinion, and in pursuance of a notice given by the former Government, he had now to move the re-appointment of the Committee. It was his wish, that it should include as many members of the late Committee as possibly could, under the change of circumstances, be procured; but he found, that some had retired from the House some were anxious to be excused, some had been called to the more onerous duties of Office, and one, the most distinguished, had been snatched from life by a most painful and calamitous accident. He was, therefore, compelled to make a selection of several new Members; and although he felt, that the Committee was before inconveniently numerous, he had not been able to comprise all whose services were desirable, even with some extension of the number. The right hon. Gentleman then read the names of those Members who were to be added to those of the former Committee: they were, General Gascoyne, Lord Morpeth, Sir H. Parnell, Lord Acheson, Mr. Wrightson, Mr. Labouchere, Mr. John Wood, Lord Sandon, Mr. Callaghan, Sir C. Forbes, Sir George Staunton, Sir James Macdonald, Mr. Fazakerly, and Mr. Marshall.

Mr. W. Whitmore approved of the re-appointment of the Committee; but, as he thought the House already possessed sufficient information, from the evidence before it, to form a judgment on the propriety of laying open the trade with China, he should, on an early day, submit certain Resolutions on that subject.

Mr. Cutlar Ferguson was of opinion, that the evidence relative to the China trade was not so conclusive as the hon. Member imagined.

Mr. Hume was of a direct contrary opinion, and hoped that the question of the China trade, which had nothing to do with the political power of the Company in India, would be speedily discussed, so that one monopoly, at least, might, as soon as possible, be got rid of.

Mr. Astell had attended closely to the whole investigation, and he had formed a different opinion from that expressed by the hon. members for Middlesex and Bridgenorth. He hoped that the House would read the whole evidence, and not allow itself to be led away by partial extracts.

Committee accordingly re-appointed.

HOUSE OF LORDS,

Monday, Feb. 7, 1831.

MINUTES.] Petitions presented. In favour of Parliamentary Reform, by the Earl of RADNOR, from Folkestone, from Rochdale, and other neighbouring places; from Liskeard, and from the County of Middlesex:—By Lord AUCKLAND, from Abingdon:—By Viscount MELBOURNE, from ———. Against the Duty on Sea-borne Coals, by the Earl of RADNOR, from Folkestone:—By the Earl of SHAFTESBURY, from Weymouth and Melcombe Regis, and from Honiton:—By the Marquis of LONDONDERRY, from Gainsborough and Saltash. For the Abolition of Colonial Slavery, by Lord DURHAM, two, from Dissenters in Bedfordshire:—By the Archbishop of CANTERBURY, seven, from places in Yorkshire. By the Duke of RICHMOND, from a place in Sussex, complaining of Distress, asking for Parliamentary Reform, for the repeal of the Duty on Malt and Hops, on Soap and Candles, and complaining of the Tithes.

PARLIAMENTARY REFORM.] Lord Duncan in presenting Petitions from Dundee in favour of Parliamentary Reform, signed by 6,000 persons, being all the respectable inhabitants of the place, who, whatever might be their other differences of opinion, united in demanding Reform; from the three United Trades of Dundee; and from Blairgowrie; said, he would not trespass on their Lordships' time, as his Majesty's Ministers, he was happy to know, had given notice of a motion on this subject, which had given great satisfaction. The petitioners, he believed, generally, had great confidence in the Ministers, and, certainly, he was ready to express his own confidence in them. He had expressed an opinion before the recess, that the people of Scotland were not indifferent to Reform, and he would beg leave to read a short passage from one of the petitions,

which confirmed his opinion. His Lordship read, accordingly, a short passage, saying, that the petitioners had heard, with grief and indignation, that the people of Scotland were supposed to be indifferent to Reform: that they denied; they were generally most desirous of it. His Lordship also stated, that the people of Scotland had heard with pleasure, that the Ministers intended to extend their Reform measure to Scotland; and he must express his satisfaction that the enlightened people of that country, who would know so well how to use the elective franchise, were now to receive it.—Petitions laid on the Table.

UNION OF WICKLOW.] Lord *King* rose to give notice that he intended, on that day fortnight, to move their Lordships to order a copy of the Report made by the Archbishop of Dublin to the Lord Lieutenant and Council of Ireland, respecting what was called the Union of Wicklow, to be laid before them. It was necessary that he should give this notice, in order that some persons might be prepared to defend the conduct of the Archbishop of Dublin. It was also necessary, perhaps, that he should give their Lordships an outline of the course he meant to pursue. It would appear by the Report, of which he meant to move for a copy, that the Archbishop of Dublin reported to the Privy Council, that the income of the Union of Wicklow was only 909*l.*, and it was on that Report that the Privy Council gave its consent to the measure. But he had reason to believe that the income, instead of being 909*l.*, was 1,800*l.*, or perhaps 1,900*l.* Such false and improper statements, should the case be made out, would be a sufficient ground to address the Crown to dissolve the Union, brought about by such false pretexts. His Lordship concluded by giving notice, that he would move for a copy of the Report on that day fortnight, and moved that their Lordships be summoned.

INCONVENIENCES OF TITHES.] Lord *King* said, seeing several right reverend Prelates in their places, he would take that opportunity of presenting several Petitions against Tithes, which he should not have thought it fair to present in their absence. The first petition he should present was from persons residing in Somersetshire, and it was very numerously

signed—being signed, indeed, by several thousand people connected with agriculture. They said, that their petition was directed against the pernicious tithe system. They stated that they were in great distress; that the farmers could get no profit, and the labourers no employment, on account of the tithe. They stated that tithes, in their origin, were intended to answer very different purposes from that to which they were applied at present; that originally the tithes were divided into three portions—one went to the clergyman, another to repair the church, and the third to maintain the poor. But these petitioners stated, that they had now to maintain all the poor, and keep the church in repair, and that the whole of the tithes went to the minister. The mode in which the tithes were collected, they described as a barrier against improvement, and he must say, that there was great truth in the sentiments of the petition. He knew that it was said that tithes were property; and so they were, but very different from individual property. It was said that tithes were the property of the Church, and it was asked, if it were not as sacred as other property? But the property of the Church stood upon a different footing from individual property. The Church Establishment was the creature of the State; it was paid for, and in such a manner, as the State pleased. In that respect, then, it was perfectly different from individual property. A reverend Prelate had stated, on a former evening, that Church property was more ancient than other property; it might be more ancient than some other property, but it was at all times the creature of the State, and public property; it was conferred by the State, and it was held as public property, intended for the benefit of the State. It was different from private property, which was necessary for the good of society. Without private property, we should have nothing but the spontaneous produce of the earth; but without tithes we should have a great deal more valuable produce of art and skill than at present. Tithes, then, and private property, operated in different ways. The institution of private property increased the produce; the institution of tithes lessened it. They were a tax on production; they hindered capital from being applied to the land; and, but for them, more capital would be applied, and more produce obtained. It was now

necessary to pay tithe on the gross produce of the land, and of capital, and labour united, which prevented the application of capital to land, and prevented the employment of labour. Nothing was more prejudicial than a tax on the gross produce of the land; and it was one which any prudent rulers of the Church would now try to have commuted. He said commuted; because the time for composition was gone by. There must be a commutation measured in a fixed corn-rent, not liable to alteration, and which would not give a greater than a fixed share of the produce to the tithe-owner, not increasing with the capital employed. He believed that, a few years ago, when the Church proposed composition, it might have done; but now nothing short of commutation would do. The right reverend Prelates would now find it prudent to come to some moderate commutation. His Lordship concluded by presenting a petition from Somersetshire, praying for a Commutation of Tithes.

The Bishop of *Lincoln* was understood to say, that notwithstanding the confidence with which the noble Baron made his assertions, he would find it difficult to prove that tithes were public property. He must maintain, that tithes were not established by the State for a State service. In many cases they were granted by individuals who had the power, in order to provide for the due performance of religious service in every parish in the kingdom. The individuals who granted tithes did not intend them to be the property of the State. The question was, what was property? The law gave power to men to appropriate and use certain things? It gave such a power to the tithe-owner, or a property in the tithes, as it gave to the land-owner a property in his land. Tithes, therefore, stood upon the same footing as other property. He remembered, that at the period of the French Revolution, the people who argued against tithes also contended, that the landlords were nothing more than the stewards for the people, and that rent was the salary which was paid to them for distributing the produce of the land. He did not know why the Church property should be subject to attacks more than other property, unless it could be shown that it weighed heavier than other property on the springs of national industry. Was that the case? He believed not. Was land free from

tithes better cultivated than land subject to tithes? Was that the case? He denied that it was. The right rev. Prelate then quoted a communication from a clergyman, to show "that the tithes were only in his parish one-sixth of the rent. The clergyman stated, that he had had several communications with land-surveyors and other persons, who assured him that, generally, the clergymen took from twenty to thirty per cent less than their due claim for tithes. The agriculturists, the clergyman stated, were not injured by tithes; for, generally, tithe-free land was not better, or so well cultivated as land subject to tithes. In those parishes, too, he stated, which were exempted from tithes, the poor-rates were higher than in parishes which had tithes, though he did not state that the high rates were connected with the exemption from tithes." For himself, he doubted, therefore that the tithe-system was so noxious as the noble Baron described it. He wished it, however, to be understood, that he was not opposed to a commutation from tithes on a fair principle. It was necessary, he believed, that the Church should make some sacrifice, and every commutation must involve a sacrifice; but on that account he should not object to a commutation. On the whole, he denied that tithes were public property, or were the cause of distress.

The Bishop of *Bath and Wells*, as the Petitions came from Somersetshire, had made some inquiry into the circumstances of the petitioners, and he had found that there was nothing peculiar in their situation which could justify them in coming forward to petition against tithes. He did not wish to make any observations then on the question of tithes, on the presentation of petitions, but whenever the noble Lord brought it forward, he should be prepared to give him an answer. On the subject of Commutation of Tithes, he would observe, that in a conversation which he held not long back in that House with the noble Lord, he stated to him, that no one was more desirous of the establishment of such a principle than he was, and he was sure it would be found generally to receive the approbation of the clergy. In the first living he had ever had he had commuted the tithes, and the plan had given the greatest satisfaction. It had been productive of advantage to him and of benefit to the parish.

Lord King wished to express his satisfaction at hearing that the reverend Prelates had now come to a commutation of tithes, which was something very different from the composition of tithes proposed by a right reverend Prelate. A commutation was very different from a composition, such as was proposed by the bill of the right rev. Prelate, which went to give a power to the tithe-owner to lease his tithes for twenty-one years. Commutation must be by a fixed rent—a certain amount of corn, not subject to vary—a payment totally different from tithes. He was glad to understand, that now commutation and not composition was agreed to, and commutation was not the plan of the right rev. Prelate. The right rev. Prelate who spoke last said, that there was nothing peculiar in the situation of the people of Somersetshire. That was true. The evils were everywhere the same, and were not confined to Somersetshire. There was nothing peculiar in the hardships they suffered. They were common, unfortunately, to all the land. The right rev. Prelate who spoke first, said, he (Lord King) would have great difficulty in making out that tithes were public property; and he stated, that tithes originated in the grants of private individuals. That was perhaps true; but the greater part of the livings of the country were now in the hands of the Church or the Crown, and these were undoubtedly public property. The advowsons belonging to individuals were of a different nature, but the advowsons belonging to the Church or the Crown were public property. It was said, that tithes were given to secure the services of the clergy. Had they had that effect? He wished to learn of the right rev. Prelates and their Lordships if this purpose had been answered? He was surprised, indeed, at that argument; for were not, he would ask, pluralities and non-residents the disgrace of the English Church? There were, he believed, about 10,500 benefices in England, and in these there were only about 6,000 residents. If the grant were intended to secure the services of the clergy, it had failed in its effect. Hardly one half of the parishes under the Church of England had resident incumbents; they might reside in other benefices, but nearly half the parishes of England were destitute of resident incumbents. This was one of the great and crying sins of the Church of

England, from which the Church of Scotland was entirely free. He would use this circumstance as the *argument ad verecundiam*. With all the tithes and emoluments belonging to the English Church, it could not procure residents, but the Scotch Church obtained residents without tithes. We had Bishops and non-residents; in Scotland they had residents and no Bishops. Our hierarchy, our costly hierarchy, could not effect that which was done in Scotland without a hierarchy. This was the *argument ad verecundiam*. The hierarchy had no power to prevent pluralities, or, if it had the power, it did not exercise it. As to tithes being property, he must repeat, that they were very different from private property. Private property was beneficial, and it was necessary that there should be private property. Was it necessary that there should be a tax on the gross produce? Tithes were a pernicious sort of property. Under the present circumstances of the country, it would be well in our Statesmen to make a change in tithes, taking care to respect the life-interest of those who now claimed them, but making an alteration that would get rid of them. They were pernicious; all other property was beneficial. He thought it was not very wise in the right rev. Prelate to refer to the French Revolution. Their Lordships might depend on it, that in tithes there must be an alteration—that they would not be much longer suffered to exist; and by placing them on the same footing as property in land, the land-owners might expect that their property too must be altered.

The Bishop of *Lincoln* explained, as it was understood, that the commutation of tithes which he should look upon with satisfaction would be, to give land for them.

The Bishop of *London* wished to say one word concerning non-residents. It was one of the charges of the noble Lord, that the costly hierarchy, as he called it, could not secure the residence of the clergy. It must surely excite the surprise of their Lordships to hear the noble Lord mention that; for if there was one fact better established historically than another, it was, that the absence of the clergy from different parishes was caused by lay impropiators having taken the Church property. It was owing to the system of lay impropiators that the clergy were deprived of their property, and prevented

from residing in their parishes. It was the abstraction of so large a part of the property of the Church, by the lay impropriators, which was the cause of non-residence. The noble Lord imputed this to the neglect of the hierarchy. Now, the hierarchy had brought a measure into Parliament to enforce residence, which had been opposed, and rendered less efficacious than they wished, because it was said, that it would be injurious to the proprietors of lay advowsons—that it would lessen the saleable value of that which they sometimes carried to market, and the lay impropriators had caused the bill to fail. The hierarchy deplored the evil, and it was the lay impropriators to whom it might be justly ascribed.

The Earl of *Winchelsea* agreed with the right rev. Prelate who spoke last, that a large part of the Church property, which had passed into the hands of laymen, was a cause of non-residence. If the Legislature should pass an Act to restore to the Church all the property that ought to belong to it, that would do, he thought, a great service to the Church. He was the proprietor of some tithes, and he should be glad if the Legislature would pass a law to compel all those who possessed the property of the Church to restore it. He could conscientiously say, that he was in possession of property which ought not justly to be his.

The Archbishop of *Canterbury* wished to say a few words, though without a disposition to prolong the somewhat irregular and inconvenient discussion. He only wished to inform the noble Lord, that it was his intention to bring forward, or procure to be brought forward, in another place, a bill for the Composition of Tithes. He would take leave to suggest to the noble Lord, though he knew his suggestion was of little value, that great inconvenience arose from discussions of so important a nature on the presenting of petitions. If the noble Lord did enter into such discussions, he would, no doubt, have a great number of such petitions placed in his hands; but it would be better if the noble Lord would bring forward some specific measure, which would be more consistent with the dignity of their Lordships, than to argue such an important question on the presenting of petitions.—Petition laid on the Table.

Lord *King* presented two other Petitions from places in *Somersetshire*, with the

same prayer. He would take the opportunity of saying, that he had no doubt that the right rev. Prelates found the discussion very inconvenient, but he was afraid, as he understood that a great number of petitions were coming to him from different parts of the country, that they would be subject to those inconveniences *de die in diem*. The right rev. Prelate (the Bishop of London) found great fault with the lay impropriators, as having caused all the evils of the Church. This was something new. Hitherto he had always understood, that the lay impropriators were the prop and stay and bulwark of the Church. He had always heard, that the clergy were glad that a part of the Church property was in the hands of laymen, because they would fight their own battles, and the Church might find shelter under their guns. The right rev. Prelate found, that the abuses of the Church property, the robbery—he begged pardon, the abstraction, as the right rev. Prelate called it—of the property of the Church, was the cause of the non-residence. But the property the right rev. Prelate complained of having been abstracted from the Church was not given to the English Church, but to the Catholic Church. Before the Reformation all that property belonged to the Catholic Church. The Reformation gave its property to the English Church. The Church Establishment of England, as formed at the Reformation, was entirely the creature of the State. The right rev. Prelate, perhaps, wished to make it out, that the Church was superior to the State; but he must contend, that it was made by the State. He did not mean to say the Church, which was an assembly of the faithful, but the Church Establishment, which was different. The Church Establishment was the creature of the State, and nothing else. The right rev. Prelate said, that the bill prohibiting pluralities, and enforcing residence, was supported by the Bishops, and opposed by the proprietors of lay advowsons. The times, however, were now changed; let the Bishops now bring forward such a bill, and it would be more successful. Such a measure should have his support. It was not creditable to the Church of England—it was not creditable to those who had the management of it—that they should yet suffer the vice of pluralities to exist.

Petitions laid on the Table.

complained of the practice of the Consistorial Courts, and pointed out some abuses which the learned Gentleman (Dr. Lushington) then a Member of the House, denied, and at the same time alleged, that the petition was not the petition of Peddell, but of his attorney. That gentleman (the attorney, Mr. Walker) had thought proper, upon hearing that this speech, corrected by Dr. Lushington, was afterwards published in the work alluded to, namely, the *Mirror of Parliament*, to bring an action against him and the parties concerned in the publication of the *Mirror*, for libel. That action was set down for trial on Wednesday, and it was necessary for his success, that the plaintiff should be able in the outset to prove that the petition was not the petition of Peddell, the petitioner; he prayed therefore, that an officer of the House might be permitted to attend with the petition, prayed to be produced in evidence for that purpose. The hon. Member added, that he was well aware of the importance of preserving the privileges of the Members of that House; but as it appeared the action was brought, not for what was said in the House by one of its Members, but for what was corrected and published out of it; he thought that their privileges could not suffer by granting the prayer of the petition, when its object was, to promote the due administration of justice. The hon. Member then moved, that the petition be brought up. On its being read, he moved that the proper Officer be directed to attend the King's Bench with the petition.

The *Speaker*, before the House pronounced an opinion on the petition, felt it right to state, that he had received letters from the parties, requesting his permission that the officer should attend the King's Bench with the petition. Finding, however, that the trial could not take place until after a period when they could apply for the authority of the House itself, he declined to make any order on the subject. It was perfectly true, that a Member was protected in his privilege of speaking what he thought fit in that House, but if he afterwards published his speech, or authorised the publication of it, he laid himself as open as any other individual to an action for libel. That violation of the privileges of the House was, however, totally distinct from the House giving its consent to, or lending itself to produce evidence in

proof of the libel; and while it preserved its privileges on that point, it was a subject of satisfaction to know that the purposes of justice could not suffer, because it would be in the power of the party to produce secondary evidence of the fact he wished to prove, of a nature quite as good as the primary, which he could not procure.

Mr. *Hume*, as the Member who presented the petition which formed the ground of action, felt it right to say, that he hoped the purposes of justice would not be defeated by their refusal to afford the evidence required.

Mr. *Spring Rice* reminded the hon. Member, that it was in the power of the plaintiff to produce secondary evidence, of equal effect with that which could not be afforded without trenching on the privileges of the House.

Mr. *Littleton* said, the presentation of the present petition was, however, of importance, as it would secure the admission of the secondary evidence, by showing that the first was not to be procured.

Mr. *Harvey* was satisfied with the effect produced in the way alluded to by the member for Staffordshire, and his only object in pressing the Motion now, after what had been stated by the Speaker, was, that the plaintiff might have it in his power to allege, at the trial, that the application had been made and refused, for which reason he was desirous that a negative should be entered on the Journals.

The Motion was negatived.

Mr. *Hume* wished to be instructed by the House what he should do, in the predicament in which he found himself placed, by receiving a subpoena to attend and give evidence in the Court of King's Bench of what he knew on this subject. Now, if he were asked what had occurred with reference to the petition—which, by the by, he himself presented—he wished to know, would it be right for him so to do? or would his compliance be considered a breach of privilege?

The *Attorney General* observed, that he did not imagine there would be any occasion for the hon. Member's statement of anything which occurred within those walls, as he knew, from the circumstance of being engaged as Counsel for the hon. and learned defendant, that it was intended to admit all such matters as proved, by the defendant, so that the question should be tried upon its merits alone.

The *Speaker* observed, that if the hon. Member had questions put to him as to the proceedings in that House, and he should proceed to detail them in a Court of Law, there could be no doubt that a clear case of breach of privilege might be conceived by the House to be made out, should any investigation be instituted on that question. Of course he was clearly of opinion, that the hon. Member might refuse to state what had passed in that House.

DISTRESS OF THE AGRICULTURISTS.]

Mr. *Curtiss*, in rising to present a Petition from the Agriculturists in the neighbourhood of Lewes, said, he had seen with deep regret that Government had dealt with so much tenderness towards that enormous Civil List, which was the deep disgrace of the Government of the country. He hoped, however, that fertile subject of dissatisfaction would still be open to the consideration and examination of Parliament. The distress of the landed interests was very great; and he did not believe, that the hon. member for Middlesex, and other hon. Members, could shew any good reasons for the attacks they so frequently made on that interest. The hon. Member then presented a petition from 500 labourers, in the Rape of Chichester, and four other petitions from the county of Sussex, praying for a repeal of the Malt-duty

Mr. *Hume* said, he had been accused of attacking the landed interest. He made no such attack. All he wanted of the land-owners was, that they should act honestly and justly, and relax in their demands for a continuance of their monopoly. As to the 500 labourers from whom the hon. Member had presented a petition, they would be more benefitted by a repeal of the Corn-laws than by any other measure.

An hon. Member said, that if the fundholders would take upon themselves the payment of the poor-rates, the farmers and land-owners would cheerfully concur in an alteration of the Corn-laws.

CIVIL LIST.] Mr. *Portman* said, that as much disappointment was felt with regard to the Pension-list; he wished to take the liberty of asking his noble friend, the Chancellor of the Exchequer, a question on that subject. He, in common with the hon. member for Sussex, and

others, felt, as he said, considerable disappointment at the proposal which had been brought forward by his Majesty's Government, and he felt much pain in now addressing the House for the first time from those (the Ministerial) Benches, that he was not able to pronounce his unqualified approbation of the measures of Ministers. He believed, however, that they had done as much as, being Ministers, they could do, and he called upon the House to do its duty in assisting those Ministers, and, so far as it was necessary, in carrying retrenchment beyond what the Ministers could do. He begged to ask his noble friend, if he was right in supposing that the plan brought forward by his Majesty's Ministers was to be dealt with by the House of Commons, without any interference of the Ministers, with the whole of that influence which they possessed; he meant, whether that House was to be at liberty, if it should see fit, to deal with the Pension-list in a very different manner from that in which the Government had brought it forward; and whether Ministers, having done all that they could do, meant to leave it to the House of Commons to do what it could? and he also wished to know, whether there would be an opportunity of putting the salaries of the great Officers of State, out of the Civil List, on the same footing as the salaries of his Majesty's Ministers? He wished to know whether that House, or a Committee of it were to be at liberty to exercise its discretion in these respects? He thought it would be useful to obtain some information of this nature, and that the public would be better satisfied by having an explanation of the views of the Government.

Lord *Althorp* said, that in answer to the question of his hon. friend, it would be necessary for him to go into a little detail. The proposition which he had had the honour to bring down on this subject on Friday last, was brought down after due deliberation and consultation by his Majesty's Ministers; they were perfectly prepared to submit it to the House on their responsibility; but, undoubtedly, he could never presume to say to the House, or a Committee of that House, that what his Majesty's Government proposed as being what they thought proper was not to be altered by a Committee, or by that House. It was their duty to leave it to the Committee to decide as it should see

fit; but on the subject of pensions, he would take the liberty of saying a few words. He could not conceive that it was the duty of the Ministers of this country, or of the Government or the Legislature of this country, to take advantage of a technical point of law, in order to do that which, in his conscience, he believed it would be unjust to do. These pensions, as he had already stated, were considered, and always had been considered, as having been granted for life. It was undoubtedly true, taking advantage of the technical point of law, that pensions expired on the demise of the Crown; the Government had a legal right to deprive the holders of their allowances; but he would put it to the House and to the country, whether it was worthy of the Government of this country to take such an advantage? whether the actual and positive relief to be gained by taking away those pensions was an object worth obtaining by pursuing a course which he was sure would be disgraceful to the country? Having said thus much, and adding that his Majesty's Ministers were quite ready to await the decision of that House, and the Committee, with all that deference, and all that respect which it was their duty to feel; and that they entertained an earnest wish to comply with any suggestion of the House, and to make any alterations which should be deemed fit; still he did not feel that he was bound to submit to any decision of a Committee, or of that House, or of any human power whatever, which should require him to do that which he should feel to be unjust and dishonourable. As to what his hon. friend had stated with respect to the salaries of the great Officers of the Household, he had all along conceived that they were under the consideration of the Committee, for the appointment of which he had moved before the recess, and that that Committee had the power to deal with them as it should think fit. If the Committee on the Civil List should think proper to take these points into its consideration, it had the power to do so; and any alteration which it should propose, consistent with justice and good faith, he should be quite ready to adopt.

Mr. *Lennard* said, that participating in the feelings which had been expressed by the hon. member for Dorsetshire, he could not help declaring the pain and disappointment which he had suffered from the plan

that had been exhibited by the Chancellor of the Exchequer; but it was a gratification to him to know that that noble Lord would submit his own views to any just decision of the House. With regard to the Pension-list, it was said, that it was granted to the Crown, to enable his Majesty to gratify his royal feelings by the encouragement of persons of merit; but was it not notorious, that it had been constantly perverted from its true purpose; and instead of gratifying the royal will, had been administered according to the interests of Ministers and borough-mongers, and been made the means of perpetuating a corrupt system, and supporting a corrupt Administration? No doubt these evils would be much removed, when the country should have obtained a Reform of Parliament, but looking to the uses which had hitherto been made of the private Pension-list, he had much rather that the present Government had exhibited the large Pension-list proposed by the late Government, provided that it was open to the revision of Parliament than 75,000*l.*, the half of its amount, which was to be free from such salutary inspection. He said this, because he was sure that if the Pension-list were open, it would escape the misapplication of which it had hitherto been made the subject. As an instance of this, he would refer to the pension of the Duchess of Newcastle, which was resigned as soon as it became known to the public. With regard to our diplomatic expenditure, that ought to be brought by annual estimates before Parliament. He was perfectly satisfied, from the candour of the noble Lord, that while he held his present seat, the House would, in practice as well as in theory, have the proper control of these matters.

Mr. *Guest* said, that as he had given notice of his intention to move for a Select Committee on the subject of pensions, it seemed that some of the noble Chancellor of the Exchequer's observations applied to him. He must maintain, that as pensions were granted during pleasure, the country had a right to be disappointed, and was disappointed, with the determination of his Majesty's Ministers; and he should feel it his duty to persist in the motion of which he had given notice.

Sir *M. W. Ridley* observed, that his noble friend, the Chancellor of the Exchequer had stated distinctly, that that House was not irrevocably bound by the

propositions which the Government brought forward, neither was his noble friend bound by any decision of the House, or a Committee of the House, contrary to strict justice. These were principles in which he was sure that House would fully agree; and he hoped the House would give his noble friend and his colleagues the credit to which they were entitled from their declarations; and would wait with patience for the report of the Committee on the Civil List, and the Committee on the Salaries of Public Offices, before both of which Committees, as his noble friend had said, this question might be considered; until then he trusted the House would suspend any opinion unfavourable to his Majesty's Ministers.

Mr. *Hunt* said, that from what had fallen from the noble Lord, in concurrence with what had been stated by the right hon. member for Cumberland, on Friday night, it appeared that they who objected to the principles laid down by the Government were considered to be actuated by dishonest motives. The Chancellor of the Exchequer said, that he would not consent to do any thing that was not consistent with strict justice; and the right hon. Baronet said, woe to the reformer who would demand any thing not consistent with strict justice. Now, he, as a Radical Reformer, on behalf of himself, and of the reformers of England, must say unequivocally, that they asked nothing but what was conformable to justice. He did not wish to point out any of the names on the Pension-list. He should be ashamed to do so, although he could; but he must say, that the people of this country would not think it strict justice if large sums of money were taken out of their pockets to be put into those of persons who were already wealthy, and did not require it. He did not wish the Ministers to do any act of injustice, and that was the reason why he called upon them to look into these things. The Chancellor of the Exchequer had said, that he had found many names in the Pension-list which ought never to have been there. Now, was it strict justice to let them remain there?

Lord *Althorp* declared, that he had never intended to impute to the hon. member for Preston, or any other Member, dishonest or unjust motives. He had only stated what his own views of justice were, and said, that he should feel bound

to act upon them. He should be ready to bow to the decision of the Committee in every thing, except any course which he thought would be inconsistent with justice; but he knew that the mode in which he had divided the Pension-list had been observed upon the other night. A right hon. friend of his opposite, said, that he had mystified it. He hoped that was not the case; but to any proper arrangement differing from that he should have no objection whatever. If, for instance, it were proposed that the names of the Irish and Scotch pensions should be taken out of the Civil List, and the English pensions retained, he should not object either to that or any other arrangement consistent with justice.

BARILLA DUTIES.] Mr. Poulett Thomson moved the Order of the Day for a Committee of the whole House on the Barilla Duties.

Mr. Spring Rice brought up certain papers relating to these duties.

On the Motion that the Speaker should leave the Chair,

Mr. *Bankes* said, he rose to call the attention of the House to a matter involving a great constitutional question, and nearly affecting the privileges of that House. The papers which had just been presented to the House contained an account of the mode in which this matter had been conducted, and the House would see that they proved a case of gross irregularity, which called for its interference and censure. He would venture to lay it down as an incontrovertible proposition, that, when that House was sitting, it was a gross violation of its principles, for an officer of the Crown, without authority from that House, to give orders relating to any alteration, any increase or decrease, of a duty proposed by Act of Parliament; and he charged those who had given directions to the officers of the Customs in this case, with a breach of their duty, and a violation of the privileges of the House, in presuming to alter what had been enacted by the Legislature. He would further state, that the manner in which this transaction had been carried on was against all necessity, and only arose from a wanton desire to act irregularly. What occasion could there have been, on the 14th of December, to issue an order for the alteration of the duties? Was there anything that could not have been done

by bringing the matter regularly before Parliament, where it would have been properly arranged in a week or ten days? Was there any inquiry into the necessity of what was done, or was it ever communicated to the House that such a step was intended? It was true that a bill had been brought under consideration in the last Session of Parliament, altering various duties; and that some measure was in contemplation relative to the drawback on barilla; but, without the sanction of the Legislature, on the 14th of December, an order was issued to the Custom-house officers, which could have had no other object than to trench upon the privileges of that House. He knew that matters of this kind had been done frequently, and he did not mean to controvert the necessity of doing them, on occasions when Parliament was not sitting. The Executive had done right in assuming such a power, with respect to the import of corn, and the export of arms, and other things of great moment; but he denied that, during the Session of Parliament, any officer of the Government had a right to issue such orders without, at least, communicating to that House what was to be done.

Mr. Poulett Thomson had listened with no little amazement to the speech of the hon. Member who had just sat down—the rather, that, after the candid explanation of his noble friend (the Chancellor of the Exchequer) on a former occasion, when he admitted the objectionableness of the principle which had given birth to the hon. Member's angry remonstrance, he was by no means prepared to meet with a mind so little alive and generous to the candid admissions of an adversary as the hon. Member's statement would warrant the pronouncing his to be. Had the hon. Member been generous to a political opponent, he would have waited till he (Mr. P. Thomson) had made his statement of the grounds on which he proposed to bring forward a bill, to impart a legislative sanction, to the course of policy which the Government had felt it right to pursue with respect to the duties on barilla, which statement he should, when the House had resolved itself into a committee, submit to their consideration, confident that it would not refuse its assent to the proposition he meant to found upon it. He would anticipate that statement so far as to set himself right

with the House, in respect to the hon. Member's charge, which affected him officially. A few days after his accession to office, he was addressed, in a conference and in writing, by some gentlemen deeply interested in the cost of barilla, who represented to him, that they had had the promise of his predecessor in office, that the high duties on barilla, which had been imposed previous to the Act which expired in January, 1830, would not be levied; for that, if they were, it would be to the serious injury of certain manufacturers who made use of barilla, particularly those engaged in the Irish bleaching trade. On investigation it was found that these statements were supported by facts; that a Treasury Minute, equivalent to a temporary repeal of the duties, had been issued a few days (on the 16th of November) before the right hon. Gentleman opposite had left office; and that to enforce the duties leviable under the existing Statute would be seriously detrimental to those manufactures which required the use of barilla; and accordingly, the Board of Trade did not hesitate to follow the steps of their predecessors, with this difference,—that while the Treasury Minute of the 16th of November actually went, by means of a draw-back allowance, to repeal the duty, that which the hon. member for Dorsetshire had just made the subject of angry complaint, only permitted the barilla to be taken out after a bond had been given for the whole amount of duty—the enforcement or non-enforcement of which was to be left to the decision of Parliament. And this was the great unconstitutional breach of privilege upon which the hon. Member would fain call down the censure of the House, as if it were a daring violation of all law, and wholly unsupported by precedent. So far was it from being contrary to usage for the Board of Trade to advise the Treasury to issue a minute like that which was the subject of the hon. Member's reproach, when the interests of commerce appeared to require it, that he could bring many instances forward of important alterations effected in this way. In fact, this discretionary power on the part of the Treasury extended to various articles, and had been acted upon at different periods. On the 23rd of March, 1826, an order was issued from the Treasury for reducing the duty on East-India coffee from 1s. 3d. to 9d. Thus, likewise, at different periods of the same year, the duty on pepper was reduced from 1s. 6d. to 1s., and the duty

on spices from 3s. 6d. to 3s. There was even a precedent for this very article of barilla, founded on Treasury Minutes, in defiance of an Act of Parliament. Barilla was by those Minutes classed under the generic term of alkali; and on the 28th of May, 1819, an order was sent down to the Custom-house, from the Treasury, altering the scale of duty upon it. In 1820, East-India alkali was, by a Treasury Minute, also declared to contain only twenty per cent of alkali, and was admitted at a proportionate rate of duty; and on the 10th of August, 1830, a similar Minute was sent down, declaring it should pay a duty of 5*l.* per ton, and be considered as barilla. He disclaimed any intention whatever of acting in an unconstitutional manner, and all he now asked was, that they would allow him to go into the committee, where he would explain to the House the alterations he meant to propose, while at the same time, he hoped to obtain the sanction and concurrence of Parliament for what he had done.

Mr. *G. Dawson* thought, that a great deal more had been said upon this subject than it demanded. He entirely agreed with the hon. member for Dorsetshire (Mr. Bankes), that the duty ought not to be reduced without the authority of Parliament; but he still contended, that unless the Treasury sometimes assumed a discretionary power, a great deal of injury would be done to the public. The Minute to which the right hon. Gentleman (Mr. Thomson) had adverted, and to which his (Mr. Dawson's) name was attached, was sanctioned by previous Act of Parliament. He had nothing more to add than that he was ready to share in the responsibility which devolved upon the right hon. Gentleman for the course he had adopted, so far as regarded this document. Between his case, indeed, and that of the right hon. Gentleman, there was this difference, that the Treasury minute he had signed had the authority of an Act of Parliament, while that which the right hon. Gentleman had advised wanted that authority.

Mr. *Spring Rice* felt persuaded that, after the statements they had just heard made, the House must be satisfied that his right hon. friend was fully borne out by precedents in what he had done. The Act of which the last right hon. Gentleman spoke, was, in fact, no authority, for it had expired before the Minute was signed.

Mr. *Herries* said, that in his time, the

Treasury had acted, as it ought always to act, on the statements of parties who were interested in trade. The system of Treasury Minutes was not to be defended on principle, but there were numberless cases to justify its necessity. In this case, however, there were rival interests concerned, which made it incumbent on the Government to proceed with the greatest caution. The result, indeed, of the conflict was, and it was so understood by both the makers of kelp in this country on the one hand, and the importers of barilla on the other—that the duties were to be repealed. The House probably remembered some of the circumstances which last Session prevented the bill being brought into Parliament, but certainly it was delayed by the number of persons interested in it, and the magnitude of the interests which were at stake. If the measure to be proposed by the right hon. Gentleman resembled at all the measure intended to be submitted to Parliament by the late Board of Trade, it should have his cordial support.

Mr. *Poulett Thomson* rose to move the Resolutions, and state the course which his Majesty's Government proposed to pursue. The House would recollect, that in 1822 the duty on foreign barilla was reduced from 11*l.* to 8*l.* a ton; and in 1823 further reduced by a graduated scale till it came to 5*l.* per ton. It was then proposed to make a further reduction, but the remonstrances of the parties interested prevailed, and it was understood that, for five years, no further reduction should be made. It was, however, not the intention of Government to allow the duty to remain permanently so high, and he knew that it was the intention of his late right hon. friend, Mr. Huskisson, to propose a much larger reduction of the duty on foreign alkali. The House should recollect, that the trade in this article employed a great number of ships, and that it was of essential service in bleaching, and in making soap and glass. Indeed, no other substance had yet been found that answered so well for the bleacher as barilla. It was obtained also from the Canary islands and the south of Spain, and at the former place was invariably paid for by British manufactures. Thus the trade was, in fact, a most useful as well as profitable one to the country. By keeping up these high duties, we were suffering in another point; our exports of soap were diminish-

ing, while those from France were increasing, because the French had taken off the whole duty on barilla. What he meant to propose was, first to reduce the duty twenty-five per cent, and ultimately abolish it altogether. It was said, that this would injure the manufacture of kelp in this country, but it ought to be recollected, that kelp and barilla were used for different purposes. He did not deny, that the former was substituted for the latter during the war, when it could not be procured, or cost 70*l.* a ton. Kelp contained only three or four per cent of alkali, while barilla contained from twenty-five to thirty per cent., and kelp when selling for 30*l.* per ton could be substituted for barilla. In the manufacture of soap, too, the kelp yielded some salt, which ceased to be a consideration when the duty on that article was removed. In the manufactory of glass, kelp was still preferred to barilla, but in most other manufactures the latter was so much preferable, that no protecting duty, short of an absolute prohibition, could make the manufacturers employ kelp instead of it. The manufacturers of kelp knew that it was the deduction of the duty on salt which had injured them, and they knew that, by no protecting duty, could their manufactures be restored to prosperity. It was said by the hon. Baronet, the member for Newcastle, that the manufacture of the article, called British barilla, would be injured by the proposed reduction, but admitting that to be the case, though he was inclined to think it would not be, he did not think, that so trifling an article, and one of which the manufacture was of recent date, should be put in competition with the many interests which would be injured by keeping up the high tax on barilla. The British barilla was made, he believed, chiefly from salt, and came into competition rather with kelp than with foreign barilla. The manufacture of that article had injured the kelp maker, and to ask the House to preserve a monopoly for that was asking it to ruin the kelp manufacturers and injure all the manufactures in which barilla was employed. It was the duty of that House to consult the interest of all classes, but particularly that of the consumer, and it was on that principle that he meant to propose a reduction of the duty on barilla. He did not mean to recommend the total removal of the duty, but only its reduction to 2*l.* per ton. He believed that it was owing to the high

duty on this article, that soap was one of the very few things of which our exports had not, during the last five years, increased, but rather fallen off. He conceived that the measure he was about to propose would be of the greatest advantage to all the manufactures in which barilla was employed, and therefore he begged leave to place the following Resolutions in the hands of the Chairman, and to move—

1. "That the additional duties payable on barilla, in respect of the quantities of soda, or mineral alkali, contained therein, be repealed and, that such repeal shall be deemed to have taken effect from the 28th day of May, 1819.

2. "That the additional duties payable upon natural alkali, imported from places within the limits of the East-India Company's Charter, in respect of the quantities of soda, or mineral alkali, contained therein, be repealed; and that such repeal shall be deemed to have taken effect from the 10th day of August, 1828.

3. "That all the duties paid on barilla, used in bleaching of linen, between the 5th day of January, 1830, and the 5th day of January, 1831, be drawn back.

4. "That the duties payable on barilla, and also the duties payable on natural alkali, imported from places within the limits of the East-India Company's Charter, be 2*l.* the ton; and that the same shall be deemed to have taken effect from the 14th day of December, 1830.

Sir *George Clerk* contended, that the proposed reductions would have the effect of throwing out of employ 40,000 or 50,000 persons engaged in kelp manufacture, and he meant to call upon the Committee to pause ere the Resolutions were adopted. If these people were deprived of the means of subsistence, they would carry their industry and skill to America, and enrich that country. In 1823, after the Government had reduced the duty to 5*l.*, it was obliged, in consequence of representations from Scotland, to raise it again to 8*l.* The right hon. Gentleman said, that the barilla trade employed a great quantity of shipping; so did the trade in kelp. The use of British alkali began in 1822, and it certainly had interfered with the production of kelp, but not to the extent the right hon. Gentleman supposed. In reply to his statement, that kelp was not liked by the soap manufacturers, he could say, that a soap manufacturer had stated to a kelp merchant, that

he would take 500 tons of kelp annually if the Government removed the duty on soap. But at present the manufacturers of kelp were making nothing, though they continued their works, partly out of hope, and partly out of charity. Where they formerly gained pounds they did not now gain shillings, and both manufacturers and labourers were in a sad state of distress. If the reduction of duty on barilla were to be carried into effect, the whole of the kelp works must be suspended, and all the hands employed in them turned adrift. To prevent that, he implored the Committee to consider well before it sanctioned a measure so pregnant with disastrous consequences. The population of the west coasts of Scotland depended on this manufacture in a great measure for subsistence, and by the plan of the right hon. Gentleman they would be consigned to poverty and want. He implored the Committee, therefore, earnestly to consider what it was about to do, and not take a step which would plunge a whole industrious population into despair.

Mr. *Maberly* said, that the question at issue was between the manufacturer of British alkali and the foreign manufacturer. In the present advanced state of science, the manufacturers of Scotch kelp could not compete with the foreigner; and he would put it to the Committee whether they would not take the advantage of science, by which the community would be benefitted, rather than reject it, for the advantage of a particular party? The hon. Member then referred to a letter which he had received from a manufacturer of British alkali, wherein the writer stated, "We can make better alkali from our materials than the barilla gave, and that at Newcastle they can make it better than we can." He was satisfied that in a short time English barilla would supplant foreign barilla; he was satisfied, too, that the protecting duty benefitted but a small class, but injured the community, and therefore, he meant to give the proposition of his right hon. friend his warmest support.

Mr. *Sadler* said, he was surprised to hear the question argued as one, the result of which would be merely a transfer of labour. The real point of view in which it ought to be considered was, its effect in throwing out of employment 30,000 or 40,000 persons, and in those parts of the British empire where, unhappily, there

was no provision for the destitute poor. The monstrous doctrine of transfer was one of the greatest errors and evils of modern political economy. If the labour of these persons should be transferred, the evil to them would be irremediable. Where could they transfer their labour? The economists were at no loss; they recommended them to transfer themselves! He regarded the question as affecting those classes whose labour was the only species of property they possessed, and it ought to be held as sacred as any other. They who were thus to be drawn out to misery and starvation ought at least to have some compensation. One large proprietor in Scotland, whose name he should not mention, had informed him, that, on a previous reduction of this duty, he was not only deprived of his income from a large district in which kelp was made, but that he freighted a vessel with provisions to supply the poor people who made it, and who otherwise must have perished. Ireland could derive no benefit from the measure, because a drawback was already allowed on the barilla used there. The principles of what was called political economy, pushed too far, had paralyzed and destroyed every branch of industry it had touched hitherto, whether agricultural or manufacturing. It was well and truly observed by Buonaparte, that if an empire was formed of adamant it would be crumbled into atoms by political economy. They ought not to decide lightly upon a question affecting the very existence of 30,000 or 40,000 individuals. It was a general complaint, and an evil of which the nation had been forewarned by its greatest statesmen, that property at present was too much accumulated in the hands of individuals; and the prevailing policy had that pernicious tendency. It destroyed the middle, and degraded the lower and industrious classes of society. The distress which now prevailed in many branches of industry was such as could not be much longer sustained, and he conjured the House and the Ministry to look to the people. Though individually interested in this particular subject, he should hesitate to accept a boon which could not be conferred without injury to a great number of the poor. He felt regret at being thus compelled to differ with Ministers, for he should be much better pleased, upon this, and upon all other points, to find himself in a capacity to concur in their measures. If there

was any species of property more sacred than another, it was the labour of those who had nothing else to depend upon. The hon. Member concluded by strongly opposing the measure, on the ground of justice and humanity.

Sir *M. W. Ridley* was opposed to the measure, which he considered to be founded on an error in finance. The tonnage which was employed in the transport of salt and sulphuric acid, was three times as much as that employed in the transport of barilla, and British kelp was also much superior to foreign barilla. By throwing open the market for the import of barilla, the production of kelp was materially injured. He should be disposed, in lieu of the present measure, to propose a gradual reduction of duty, of 20s. per annum till the duty was down to 40s., and he should, therefore, feel it to be his duty to propose a reduction in the existing duty of 20s. per annum, which might possibly save the manufacturers from ruin.

Mr. *G. Robinson* was disposed to agree in the proposition of the Vice-president of the Board of Trade, and considered the manufacture of kelp in Scotland as very much overrated. It had been stated, that the interests of the barilla and kelp manufacturers were alone concerned in this measure; but what became of the soap manufacturers and consumers? Were they to be forgotten altogether, as though their interests were not at all concerned? Taking all things into consideration, he could not but support the measure as proposed by the right hon. member for Dover.

Mr. *Warburton* thought the right hon. Vice-president of the Board of Trade had done perfectly right in introducing this measure. The important chemical discoveries of the age ought to be suffered to effect their object, which was, to render all manufactures, as cheap as possible. If the article were rendered dearer by restrictive duties, the consequence would be, to compel the manufacturer to substitute an inferior article; and if, on the other hand, the restrictive duties were repealed, it would instantly have the effect of setting to work all the industry and ingenuity of the country. The fact was, that the present measure was of small comparative importance with respect to the manufacturers of kelp or barilla. The measure which affected them was the repeal of the duty on salt, by which the alkali which was lying dormant in the rock-salt of Cheshire was instantly brought

into use; and the quantity of alkali that exists in the muriate of soda is so much greater than that which is in barilla and kelp, that the manufacture of both was instantly injured, and probably they would ultimately be thrown out of the market by its superior abundance and consequent cheapness.

Sir *John Bourke* said, that whilst he admitted the principle of the measure proposed by the right hon. the President of the Board of Trade, he would recommend the House to proceed with caution. He should like to support the motion of the hon. member for Newcastle, which would make the distress fall more gradually, and enable people better to resist it.

Mr. *Hodgson* condemned the proposition, as likely to injure existing manufactures without benefitting any body. The interests of the bleachers and manufacturers might be protected by allowing them a drawback, and he recommended generally that the former drawback on the articles affected by the duties under discussion should be restored, instead of the present measure.

Mr. *Sykes* supported the Motion. If political economy were at all like the doctrines of the hon. member for Newark (Mr. Sadler), it would, indeed, deserve all that the hon. Member said against it. He always remarked, that people who were most violent in their abuse of political economy, were sure to have some absurd notion of legislation of their own. It was so obvious that the present proposition must give employment to labour, that the only satisfactory solution of the ground which the hon. member for Newark had taken was, that the hon. Member might have an opportunity of railing at the political economists.

Lord *Althorp* observed, as his opinion, that there were two parties who seemed to have chosen different grounds for opposing the present measure; namely, those who advocated the cause of the barilla manufacturers, and those who took the part of the makers of kelp. The hon. member for Newark had warmly and zealously spoken on behalf of the latter, on account of their poverty, which he regretted as much as the hon. Member himself could do. The real question in this case was, whether the proposition made by his right hon. friend the member for Dover, was or was not advantageous? It was a great mistake to suppose that the measure of his right hon. friend, the Vice-

president of the Board of Trade, would destroy the kelp manufacturers; and it was well known, that wherever kelp and barilla were applicable to the same purposes, the barilla, even now, drove the kelp out of the market. As the question of free trade, however, had been touched upon, he must say he was surprised to hear the hon. member for Newark (Mr. Sadler) say, that the principle of free trade had touched nothing which it had not destroyed. He need only refer to the extension which had taken place in the silk-trade and the glove-trade, since the adoption of those principles, to prove that they were not so destructive in every instance as the hon. Member imagined. Abstract principles, however, he repeated, had nothing to do with this question, which was one of fact. Foreign barilla was 12*l.* per ton; British barilla 12*l.* 10*s.*; but then British barilla contained 40 per cent of alkali, and foreign barilla only 25 per cent. The articles, therefore, could not come into competition in such a way as to affect the British manufacturer disadvantageously. The reason, and the only reason, why British barilla was not employed in the soap trade was, because it imparted a sulphurous smell to the soap, and it was therefore of importance to that trade that the foreign barilla should be imported at a cheap rate, and at a lower duty than previously existed, and it did not appear that it would be injurious to any interest in this country.

Sir *M. W. Ridley* thought, that if the duty on barilla was reduced as proposed, something ought to be done for the protection of the kelp manufacturers.

Mr. *Poulett Thomson* assured the hon. member for Newcastle (Sir *M. W. Ridley*), that if what he suggested could be done, without injury to any other interest, he should be happy to recommend it to the consideration of Government.

Mr. *Alderman Waithman* said, that the hon. member for Newark had anticipated many observations which he was about to make on what were called the principles of free trade. As to what had fallen from the Chancellor of the Exchequer, however, he begged to remark, that the extension of a trade by increased importation from countries which took nothing from us in return, was no proof of prosperity.

Mr. *Sadler* explained. He was not opposed to a wise and just principle of free trade; he meant such a one as took into

account the relative situation of this and other countries. Let the noble Lord and the House look at the enormous debt, at the heavy taxes, which pressed upon all classes, and say whether such a state of things could possibly be compatible with cheap labour. If this country were free from those difficulties no man would be more ready than himself to advocate the freest possible intercourse between all nations. Considering the enterprise, the skill and industry, of the people of England, they need not fear, under such circumstances, the freest competition. The 40,000 inhabitants of Scotland, and numbers of the poor of Ireland, who would be thrown out of employment by this measure, were just as well entitled to protection as the agriculturists or any other class. A free trade principle ought to apply alike to all branches of industry, otherwise it was nothing but a system of injustice and partiality. He did not think the present a fit occasion for pressing the principles of free trade, and therefore, though reluctantly, he was opposed to the proposition of Ministers. At the same time he should support them whenever he could do so consistently with his principles.

Mr. *Maberly* said, the arguments of the hon. member for Newark were totally fallacious. He had charged him (Mr. *Maberly*) with supporting what was calculated to ruin 40,000 persons. The principle he advocated was, to have manufactures cheap, and great consumption, which must necessarily produce increased employment; but the hon. member for Newark's principles, if carried into effect, would prevent employment. He had made a declamatory speech of two hours last Session on that subject, and he (Mr. *M.*) then challenged him to bring forward a specific motion. He thought that in two minutes he could prove the fallacy of the hon. Member's declamation. If the hon. member for Newark would bring forward a specific motion, and let the subject be sifted to the bottom, he would find himself answered in as triumphant a manner as he could wish.

Sir *Edward Knatchbull* defended the line of argument adopted by his hon. friend, the member for Newark, and complained of the manner in which he had been alluded to by the hon. member for Abingdon (Mr. *Maberly*). If the hon. member for Abingdon treated others in a manner so little conciliatory, he could not

be much surprised if he found that others treated him with little respect. As to the explanation given by the right hon. Gentleman, the member for Dover, so far as concerned himself and the Ministry personally, it was quite satisfactory. The right hon. Gentleman acted, no doubt, with the best intentions; he afterwards found he had done wrong, and he made the best atonement to the House and the country, by acknowledging that it had been done inadvertently. It was a question of some importance, however, whether Parliament should not come to some distinct resolution on the subject, to prevent the violation of its own privileges in future. He said this without anything like a hostile feeling to Ministers, who should have his support so long as he felt they were deserving of it.

Mr. *P. Thomson* observed, that in the Resolutions he had proposed, the declaration which the hon. Baronet suggested was expressed by implication.

Mr. *Alderman Thompson* supported the Resolutions. He did not think the proposed reduction of duty would be attended with any bad effect to the kelp manufacturers. He did not believe that it would throw 40,000 men out of employment; and he knew it would be felt as a great advantage by more than one class of manufacturers. He could state from his own knowledge, that a large order for the manufacture of soap was executed at Marseilles, instead of being executed in this country, in consequence of the high duty on foreign barilla. The fact stated by the Chancellor of the Exchequer, as to the relative proportions of alkali in foreign and British barilla, shewed that there was nothing to fear from the competition, while keeping up the duty was a great hardship on those manufacturers who could not do without kelp.

Mr. *Attwood* did not intend to follow the example of those who never missed an opportunity of delivering a lecture on the abstract principles of political economy. With respect to the example of the silk manufacture cited by the Chancellor of the Exchequer, it was easily explained without referring to the principles of political economy. The duty on the importation of raw silk was reduced; and the manufacturer was by that means enabled to manufacture to a greater extent. As to the proposition now before the House, in his opinion it was not supported by any

fact or argument. The right hon. Gentleman (Mr. *P. Thomson*) said, the kelp manufacturers would not be injured, because the barilla would not come into competition with kelp in any one manufacture. Every species of alkali, however, came into competition, more or less, with every other species of alkali. Now, as on many former occasions, he must protest against those eternal changes, which shook the foundations of commercial speculation, and first ruined one class, and then another. There was no security for property when the Government was given up to philosophers. He opposed the Resolutions, because he thought the right hon. Gentleman had not satisfactorily explained why he had assumed the functions of which that House ought to be most jealous. The duty of that House was, in this case, superseded by an act of Government, and Ministers were bound to come down with a bill of Indemnity, and show that they had been induced, upon strong grounds, to adopt such a proceeding. If the course pursued in this case were frequently acted upon, that House would become a mere body to register the acts of the Ministry. He thought the right hon. Gentleman had entirely failed in making out a case. He was wrong in fact and in argument, and the course he pursued was a direct violation of the privileges of the House of Commons.

Lord *J. Russell* admitted, that the Ministers, on coming into Office, had acted on the precedent which former Ministers had left behind. He did not mean to say that the act was strictly justifiable, but in a great machine like the Government of this country it was necessary that Ministers should have some latitude in certain cases, always taking care that the occasion should be such as to justify their deviating from an established rule. An hon. Gentleman on the opposite side had delivered one of his usual declamations against free trade; and another hon. Gentleman had said the other night, that he had heard much about that House, and much about the Crown, but nothing about the people. The subject of free trade, however, was not then before them, nor was it likely that the present Ministers would think less of the people than when they spoke from a different part of the House. They did think that, in consulting the dignity of the Crown, they were supporting the interests of the people.

Mr. *Herries* did not mean to oppose the Motion, for the Government with which he was connected had, after a careful examination of the subject, determined that the duty ought to be reduced. But they had come to that determination independently of free trade, which had nothing to do with it. He was not for carrying the extreme doctrines of political economy into trade, without a due regard to existing interests.

Mr. *Hume* said, he was sorry to hear such sentiments from the right hon. Gentleman. The present was a question of free-trade, for every relief from duty embraced that principle, even though it were not carried to a sufficient extent. The silk-trade afforded a triumphant proof of the advantages of the principle, and the right hon. Gentleman's own speeches might be referred to in favour of what he now seemed to be ashamed of. He was afraid that the right hon. Gentleman had got into bad company of late—since he came round from the opposite side of the House. Notwithstanding the harangue, by which the attention of the Committee had been drawn off from the matter really under consideration, to the ruin which was said to be occasioned by free trade, he could not see how the country was to be ruined by taking off an impost of upwards of a million and a half. If that could be ruin, then the hon. member for Wareham had contributed more to the ruin of the country than any other Member of the House, by taking off the tax upon salt. He supposed, that if the tax upon coals were to be taken off, the charcoal-burners and the peat-cutters would come to the House with petitions, complaining of the injury done them by the freedom of trade. If the repeal of taxes was to be called ruin, he hoped that the present Administration would let the country have abundance of such ruin.

Sir *George Clerk* said, that he would not press the question to a division. He trusted he should have an opportunity of again discussing the measure, when he might be supported by the able advocacy of the right hon. Gentleman at the head of the Board of Control, who, in 1814, defended the raising of the duty.

Mr. *Hunt* said, that whilst he was in the House, he must of course vote, on one side or on the other, on every question that should be discussed. As on the present question he would vote with his Majesty's

Ministers, he was desirous of giving his reasons for that vote. As far as he understood the matter under discussion, it was simply that the Ministers had made a mistake, and now came forward to explain it to the House. He was surprised to see the opposition given to the Resolution by those who had themselves fallen into similar errors. [*Cries of "No, no."*] "Then," said Mr. *Hunt*, "I have myself been in error." When it had been said, that opposition had been formed out of the House to the measure of his Majesty's Ministers, he thought that perhaps he for one was alluded to. For, when he heard of the reduction of the duty, he made inquiries amongst the tallow-chandlers and soap-boilers, and others connected with the trade in barilla, to ascertain whether or not the public would be benefitted by the measure, and he found that they would derive no benefit from it. Under these circumstances he had made some observations, which he now believed to be erroneous. For his part, he was much more a friend to the consumer than to the trader; and he only regretted that the Ministers did not give the country still more of free trade.

Mr. *G. Robinson* could not allow the observations of hon. Members about free trade to pass unnoticed. That great question was not to be settled by the cheers of the House, or the dogmatic assertions of hon. Members. The hon. members for Middlesex and Abingdon taunted the hon. member for Newark with his principles, but let them remember, that to decide on the fallacy or correctness of the hon. Member required time and experience. It could not be ascertained by Act of Parliament.

Mr. *Slaney* bore testimony to the fact, that the free trade in gloves had greatly promoted that manufacture, and more hands were employed in the glove-trade than was ever known before.

Mr. *Morison* concurred with the last speaker, and said, that the silk-trade had been very much benefitted by the having been opened, there were more persons now employed at Manchester in the silk-trade than at Spitalfields, and there was not one weaver unemployed in the latter place, neither was there one in the workhouse, which was unexampled. The advantages of free trade were also proved in our woollen, linen, and leather manufacture, all of which had been improved by foreign competition. In the woollen manufacture,

a new branch of trade had been created by the introduction of light French articles which had been speedily imitated and given employment to thousands. He hoped, therefore, that Ministers would go on extending free trade, and they might be assured that by removing obstacles out of the way of industry they would confer the greatest possible benefit on the present and all future generations.

Resolutions agreed to, and the House resumed.

STATE OF IRELAND.] *O'Gorman Mahon* presented a petition from Protestant inhabitants of the parish of Ballindooley, in the county of Galway, for an Extension of the Galway Franchise. The hon. Member complained, that even yet Catholics could take no degrees in the Universities of Ireland unless they were hypocrites or denied their religion. The hon. Member also took occasion to observe, that he found it impossible to approve of some of the recent acts of the Irish Government—acts which had reduced the country to a state more alarming than Gentlemen in that House could have any notion of. He gave notice of his intention to move, to-morrow, for copies of proclamations issued by Lords Lieutenants of Ireland since the passing of the Act for the suppression of Illegal Meetings and Associations; also for a copy of the Letter addressed by the present Chief Secretary for Ireland to the Magistracy on the subject.

Mr. *Spring Rice* observed, that his right hon. friend, the Chief Secretary for Ireland, would not be in his place to-morrow, and requested the hon. member for Clare to postpone his notice till his right hon. friend's arrival.

O'Gorman Mahon had no desire to do anything calculated to militate against the Chief Secretary for Ireland, especially in the right hon. Gentleman's absence; nevertheless, he thought it incumbent upon him not to lose a single moment in pressing upon the House the frightful condition of Ireland; the rather, as the people of this country appeared as ignorant of its affairs as of the state of Kamschatka.

HOUSE OF LORDS,

Tuesday, Feb. 8, 1831.

MINUTES.] The Amendments in the Judgment and Execution Bill, made by the House of Commons, were agreed to, on the Motion of Lord TENTERDEN.

Petitions presented. Against Slavery, by the Earl of SHAFTESBURY, from a place in Dorsetshire:—By the Earl of RADNOR, from a place in Tipperary:—By Lord WHARNCLIFFE, seven from places in Yorkshire:—By the Bishop of ELY, from Stamford. For Reform of Parliament, by the Duke of DEVONSHIRE, from Belper, Derbyshire, and from Waterford:—By the Earl of CARNARVON, from Stroud, Gloucestershire. By the Duke of DEVONSHIRE, from places in Ireland, against Grants to the Kildare-street Society; and from Workop, for an import Duty on foreign Lead. For the repeal of the Tax on Sea-borne Coals, by the Duke of WELLINGTON, from Dover:—By the Earl of JERSEY, from Swansea:—By Lord WHARNCLIFFE, from the Inhabitants of Coleman-street Ward. For the Reduction of Taxation, by the Earl of CARNARVON, from Gosport:—By the Duke of RICHMOND, from a Parish in Sussex:—By Lord WHARNCLIFFE, also praying for Reform, from Suttle and Monmouth. By Lord WYNFORD, from Charterhouse-Hinton, Somersetshire, against the employment of Machinery. For the Repeal of the Assessed Taxes, by Lord KING, from Newcastle-upon-Tyne; and from St. Anne, Westminster.

[His Lordship stated, that he thought the Assessed Taxes not improper ones; and as far as they fell on the rich, they were some of the best taxes we could have.]

By Lord WHARNCLIFFE, from the Inhabitants of Coleman-street Ward.

PLANS FOR COMMUTING TITHES. PLURALITIES, AND NON-RESIDENCE.]

Lord King said, that having some other Petitions to present on the subject of Tithes, he must renew that, to some persons, inconvenient discussion, but to others most convenient discussion, which was begun and objected to yesterday. Yesterday he had brought the Somersetshire militia into the field,—to-day he came down with the militia from Gloucestershire. He was happy to say, that all persons appeared now to agree that some alteration was necessary, and it only remained to find out what alteration. One of the right rev. Prelates had yesterday asked him, if he had any plan for making the change. He had; he had three plans, all very good ones, and all simple plans. The first, which was perhaps the most simple and the best, was, to charge the land with a proportion of the rent for the maintenance of the clergy; or he would propose that an amount of rent, equal to the annual revenues of the clergy, should be paid to them, and they should be entitled to that sum in all times to come. His second plan was, to give them a corn-rent equal to the tithes, and they should always have that quantity of corn, or the value of it, according to the market rate. He was willing, too, to admit that the quantity of corn should be determined by the actual receipts of the clergy during the last seven years. After ascertaining the amount, he would by this means fix

the claims of the clergy for ever. Another, and his third plan was, to take the whole of the tithes and the Church property and sell them, and pay the proceeds into the hands of the Government, who should take upon itself to provide a due maintenance for the clergy; and the overplus, if any, and he was sure there would be a great overplus, should go to the public; or a part of the overplus might be employed to provide better for the working clergy. One thing, however, was needful, let it be done as it might, and that was, to abolish that most impolitic tax, the tax on the gross produce of the land. It was necessary to do this to make property beneficial. To secure private property, promoted the increase of the produce—but tithes curtailed the produce of the land. It was said, that there was no difference between Church property and other property. But sometimes the clergy said, that there was a great difference between the Church property and other property. The clergy knew very well that maxim of law, *nullum tempus*, and on that they acted. Nothing, they said, could bar the right of the Church; their claims went back to the days of Richard 2nd, and no other property was on the same footing. This was a difference, then, between Church property and other property, on which the clergy were ready enough to insist when they had any claims. Then they said the Church property was different from other property. Now he said that it was. One of the right rev. Prelates yesterday stated, that the Bishops had brought forward a measure, or a bill, he did not know which, and he wished the right rev. Prelate had been more explicit; but the rev. Prelate said, the hierarchy wished for a measure strictly to enforce residence, and that this measure was defeated by the lay impropiators, or the lay owners of advowsons. They had defeated the measure because they thought it would diminish the value of their advowsons to enforce residence. He knew not what measure was meant, or what object the Bishops had sought to accomplish; but he was disposed to assert, that the non-residence was caused, in a great measure, by the Bishops themselves. The greatest number of non-residents, he believed, was to be found in the families of the Bishops themselves. Thus the name of Prettyman was synonymous with that of pluralist. The name of Sparke, too, was synonymous with that of pluralist. In

fact, the names of half the bench were synonyms of pluralist. He would take the liberty of reading a letter on this subject, which he had cut out of a newspaper—it was addressed to the Lord Bishop of Bath and Wells, and was signed Francis Gillet. It was dated from Knight's Farm, Musbury, Devon, and was as follows:—

“MY LORD—My duty to myself and my country at the present crisis impels me to intrude on your Lordship's most serious consideration concerning the manner in which you have disposed of some of the Dignities and Benefices belonging to the See of Wells, since you succeeded the late worthy and highly respected Bishop, Dr. Beadon; and also on your future Church government.

“On the vacancy in the Living of West Camel, your Lordship instituted your son: to this no one objected; a deserving young Clergyman is certainly every way qualified for a country Rectory; but when he became the Archdeacon, I must say that, taking his age into consideration, and his title of Venerable, I blushed; yes, my Lord, I even blushed! Is it consistent, my Lord, to see so young a man have rule over so many elders of the Church? But to proceed: On Mr. Beadon's resignation of the Chancellorship, this office also went with the Archdeaconry!—further, I have been told, that at an election for a Canon of the Cathedral, the Chapter did elect some other candidate; thinking, no doubt, as I did, that the thing was already overdone with respect to your son; although I hear since he has obtained this situation also!

“These proceedings passed on, but not, I assure your Lordship, without giving me great uneasiness; yet I never should, most probably, have drawn your attention to them, had I not, lastly, and rather recently, seen by the papers that at the death of that highly respected gentleman, the late Rev. T. H. Whalley, the living of Yeovilton was also swallowed up by the same overwhelming flood; or, in plain words, was joined to the Archdeaconry, Chancellorship, Canonry, and Living before mentioned. At the same time, it certainly might not have given your Lordship much trouble to have found within your Diocese some truly respectable clergymen, advanced in years, with families, and who are not beneficed, to one of whom this small but comfortable Rectory might have been a source of the greatest happiness in their latter days. Besides, my Lord, how can you reconcile to yourself the idea of one clergyman holding two Benefices, or Livings, whilst you are so strenuous an enforcer of full duty within your Diocese? and surely the duties of the parish, both with respect to the church and poor, must be beyond all comparison better performed by a Rector or Vicar, as the case may be, than by a poor Curate, however deserving.

“I am aware, my Lord, that it is possible, some—nay, even yourself, for a moment—may say it is arrogance in so humble an in-

dividual as I am, to trouble your Lordship in this public way; but as I now state to your Lordship that the greatest dependance of myself and children consists of landed property (however few the acres are) within your Lordship's Diocese, and that I have no claim to the emoluments of the Church to look up for, my apprehensions at once will be seen to arise from a firm conviction on my mind of the immediate necessity of a thorough reform in the Church—that she might be brought once more to stand on that sacred basis—that only firm foundation—on which she stood in the primitive ages.”

This letter had been published in the Papers—he did not vouch for its correctness, but it had never been contradicted, he believed, though he should be glad to hear it contradicted. Here, then, was another pluralist not a layman. The rev. Prelates said, they wished to prevent pluralities; and as he had given them a plan to commute tithes, he would also give them a plan to secure residence. In fact, nothing was more simple. It was only necessary to make the fact of non-residence a legal receipt for the tithes and the other salaries. That would do the business effectually, far better than all the Bishops. He would say no more on presenting his petitions, except to recommend the right rev. Prelate, who proposed to bring in a moderate bill, to adopt the words so frequently used, he believed, by Mr. Pitt during a great part of the late war, “give up a part to preserve the remainder.” The noble Lord concluded by presenting several Petitions from parishes in Gloucestershire, praying for the Commutation of Tithes.

The Bishop of *Bath and Wells* did not intend to have taken any part in the debate, but after the attack levelled at him by the noble Lord, he felt himself bound to give an answer; and deeply did he regret that he was under the necessity of appearing before their Lordships as the defender of his own son. The fact certainly was, that his son had two livings, but they were so close to each other that he could well do the duty of both. They were not further than a short walk from each other. In his first living he had been a loser, as he had given up all his income for the church. He had certainly taken a second living, but he had also employed a curate in each. In one he did the duty himself in the morning, and in the other in the afternoon, while his curate performed the duty in the other part of the day. The first preferment

which his son possessed was not given by him, but, on account of his son's merit, by the rev. Prelate behind him. The other was bestowed on him by the venerable Earl of Eldon, out of respect for his son's character and worth. His son had accepted, at his request, the duties of Chancellor of his diocese; and he had certainly given him the best thing in his gift, in his diocese. He had brought him from College for that purpose, where he was earning, however, a deal more than the value of his Church preferments. He believed, so exemplary was his excellent son's conduct, that if inquiry were made in his parishes, the noble Lord would not find one human being not disposed to speak highly in his favour. He had been compelled to make this statement, and he hoped it had been satisfactory to their Lordships. His son was a person of great merit, and he certainly had conferred some favours on him in his diocese; and when the noble Lord stated his preferment, he ought to inquire if the duties were well discharged. He must say, that he did not think it possible that the duties could be better discharged than they were discharged by his excellent son, the Archdeacon of Wells. He trusted the noble Lord would be ashamed and sorry for having brought forward such an uncalled-for attack.

Lord *King* felt neither ashamed nor sorry. He had only asked, if there were not pluralities among the Bishops, who said they wanted to put them down; and he found out that it was so. The letter he had read stated, that the rev. Prelate's son was a deserving young man, and he had made no attack on him; he had only stated, that there were pluralities in that gentleman's possession, and he found that he was correct. He brought the circumstance forward because others—he meant the Bishops—said, that laymen were the cause of the existence of pluralities in the Church. The Bishops were not right, therefore, in laying the blame of pluralities on laymen, and it was quite plain, if they had resisted the bill alluded to, the Bishops had profited by it.

The Earl of *Radnor* said, that it had been asserted by a right rev. Prelate, that a bill, or measure, enforcing residence, and putting an end to pluralities, had been opposed by lay impropiators, and he had been asked, when that bill was proposed? but he had made no answer. He under-

stood the right rev. Prelate to say, that the Bishops were not the causes of non-residence; that this was not owing to the hierarchy, but to the lay impropriators. The right rev. Prelate had stated, that on some occasion a bill to enforce residence had been proposed, and that its powers had been curtailed by the lay impropriators, who had opposed the bill, as injuring the advowsons of which they were the owners. He had tasked his recollection to find out what bill the right rev. Prelate alluded to. He had searched, too, those records which were usually preserved of parliamentary proceedings, to find out what Act the lay impropriators had opposed, but he regretted that he was disappointed. He hoped, therefore, that the right rev. Prelate would explain what he meant by his assertion last night, that a bill had been brought in to give a right, or power, to the Bishops to enforce residence, and that by lay impropriators this bill had been turned from its purpose.

The Bishop of *London* was reluctant to take part in this discussion, which was the reason why he had not risen to answer the question put by the noble Baron. There was little occasion, he believed, to do so, because their Lordships would, he hoped, recollect what he stated the night before. The noble Lord had not repeated his words correctly, and he should only endeavour to re-state them. What he said was this. In accounting for non-residence, he had not said that the lay impropriators solely were the cause of it, but that it was chiefly owing to lay impropriations that it was in many cases impossible for the clergy to reside at their benefices. The chief part of the property belonging to the Church had, in many cases, been taken away and appropriated by laymen, and the revenue left was insufficient to pay for the performance of the duties of the clergyman, unless by uniting more benefices than one. If their Lordships wished to obtain accurate information on the subject of lay impropriations, he would beg leave to recommend to their perusal a book of Bishop Kennett, written upwards of a century ago. By what he said last night, he intended no reflections on the lay impropriators, and had no intention of attributing to them any improper motives. He had but an imperfect recollection of the measure for enforcing residence, as he was then a young man, and had not the honour of a seat in their Lordships' House,

nor had he meant to impute anything improper to those who opposed that measure. The bill he had alluded to was the 57th Geo. 3rd, that was brought in by the Bishops to enforce the residence of the Parish Clergy. He had always considered that Act, or rather that bill, as intended to invest the Bishops with a greater power to enforce residence and prevent pluralities, and he had always understood that the bill was rendered less efficient in its progress by the interference of lay holders of advowsons. He did not mean to say, however, that any undue influence had been used by the holders of those advowsons to stop the measure. Without intending to blame any one, he must add, that it was not possible for the Bishops always to enforce residence; they had not as much power for this purpose as was necessary, and indeed, in the larger number of benefices, it was impossible to enforce residence without ruining the Clergymen. As to patronage, he wished to say, that it was his intention, on the first opportunity, to bring in a measure to strengthen the provisions of the 7th of his late Majesty, without which that Statute would not be efficient.

The Duke of *Wellington* felt himself called on to say, in justice to the Clergy, that during the time he was in Office, he had occasion to promote the issuing a Commission to inquire into the state of Ecclesiastical Affairs, and the state of the Ecclesiastical Law; and he invariably found, that the right rev. Prelates pressed on him the necessity of giving them more power to enforce residence amongst the inferior clergy.

The Earl of *Carnarvon* deprecated in strong terms the practice of his noble friend making, night after night, in these times of troubles and disturbance, such attacks on the Church. He regretted that his noble friend should think it was his duty to make those attacks. He was convinced, and he was sure that the great body of the people were of the same opinion, that a more estimable body of men than the Clergymen of the Church of England could not exist. There was no class of men in the country who distributed so large a part of their revenue in charity, or were so devoted to good works; and no class of men who conferred so much benefit on the country at large. If he had sometimes differed from the members of the Church, it was on questions of religious

liberty, in which they thought their security was involved, and which he thought they ought to have conceded for their own safety. Now, that no such questions existed, he was bound to say, that it was most important to uphold the Established Church as it at present existed in this country. In looking at the question of tithes, it was necessary to consider other interests than those of the clergy; and he was sure that most of the right rev. Prelates must desire to have their revenues collected by some other means, and not be exposed to the odium and ill-blood which now created dissent in their parishes, and banished their parishioners from the parish church. In reference to the measure of the right rev. Prelate, for the composition of tithes, the noble Earl recommended that a commutation should be at once accomplished, as it would be most inconvenient to open up the tithe question again at the end of twenty-one years. With respect to residence, he did not know how that was to be enforced, unless the whole system of the Church Establishment was to be re-modelled, and he did not know who would be bold enough to venture on such a task. He thought, too, that if residence were to be strictly enforced, to the ruin of the exemplary body of Curates who had grown up within the last ten or fifteen years, it would probably do the Church a great injury. To compel residence might deprive these curates of employment, and substitute for them incumbents who were not so competent to the performance of their duties. His Lordship also eulogised the Church Establishment, and said, that this excellent institution had made the greatest improvement within the last few years. He concluded by apologising for trespassing on their Lordships' time; but when they were exposed to hear the Church attacked, they would probably put up with the minor inconvenience of having their time taken up rather than of allowing such attacks to go abroad unnoted.

Lord *King* wished only to set himself right with his noble friend. He had not made any attack on the Church or on the Clergy—he had not said one word against either. He admitted that the great body of the Clergy were an exemplary body of men, and he wished to make them more efficient. Pluralities were acknowledged to be an abuse—non-residence was acknowledged to be an abuse—and he wanted to

remove these abuses. The same object was proposed by his noble friend. He was not disposed to take their property from the Clergy, and had proposed to grant them a corn-rent equal to their revenue on the average of the last seven years. With respect to what the right rev. Prelate said of Bishop Kennett, and a book written above 100 years ago, that would give very imperfect information as to the present time; for, since that period, many parliamentary grants had been made to the Church. There was Queen Anne's bounty, which had now been in operation for many years, and had increased the value of many vicarages. Wishing to put his right rev. friends at their ease, as to the petitions he had yet to present, he should imitate the Church in old times, which established what was called the "Peace of the Church," from Friday to Monday. In presenting Petitions, he should follow this example, and should add Wednesday; so that on Wednesday, Saturday, and Sunday, there would be a truce for the Church from the tithe-war.

HOUSE OF COMMONS,

Tuesday, Feb. 8, 1831.

[MINUTES.] A Bill for the better regulation of Vestries was read a first time.

Petitions presented. For a general Fast, by Mr. HUGHES HUGHES, most respectfully and numerously signed, from Cheltenham, in Gloucestershire:—By Sir R. INGLIS, from While Roothing, Essex:—By Sir W. INGLEBY, from Falkingham, in Lincolnshire:—By Mr. PERCEVAL, from the Clergy and other Inhabitants of Derby, Boroughbridge, and several other places. For a Commutation of Tithes, by Sir W. INGLEBY, from the Owners and Occupiers of Land in the vicinity of Thoresby Bridge:—By Mr. HUME, from 350 Landed Proprietors of the Hundred of Hurstingstone, in the County of Huntingdon; from Roman Catholic inhabitants of Galway; and from Roman Catholic inhabitants of a Parish in the County of Cork. For the Repeal of the Assessed Taxes, by Mr. HUME, from the Inhabitants of Mile-end New Town:—By Mr. HART DAVIS, from Bedminster:—By Sir M. W. RIDLEY, from Newcastle-on-Tyne. By the same hon. Member, from South Shields, for Reform.

[The Petitioners complained, that although South Shields contained 16,000 inhabitants, there were not more than 100 persons who had a vote for the County, because the greater part were leaseholders under the Bishop of Durham.]

By Mr. M. A. TAYLOR, from Gateshead, in the County of Durham:—By Sir R. FERGUSON, from Busford, in the County of Nottingham; and from the Dean, Deacon, and Incorporated Trades of Dundee:—By the ATTORNEY GENERAL, from Bishop Auckland, Durham:—By Sir R. HERON, from the Freeholders of the County of Lincoln, agreed to at a meeting convened by the Sheriffs; the Petitioners included also a repeal of Taxes; but more

particularly of the Malt Duty:—By Mr. BELL, from Kelthorpe:—

[The Petitioners also expressed their pleasure at the late change in his Majesty's Councils, but on that the hon. Member said he could not agree with them.]

By Mr. HUME, from the Merchants, Bankers, and other Inhabitants of the Royal Burgh of Dundee; from the City of Bath; the Baking Corporation of Perth; the Tailoring Corporation of Perth; and the Magistrates and Council of the Borough of St. Ronayne, in the County of Fife:—By Mr. WHITEHEAD, from Bedford. By Mr. HUME, from the Rector and other Inhabitants of the parish of Great Creaton, in Northamptonshire, for a diminution in the severity of the Criminal Law, especially with reference to capital punishments. By Mr. PRITZKE, from the Artizans and Tradesmen of Clonmell, for a repeal of the Legislative Union between England and Ireland. For the Abolition of Negro Slavery, by Colonel GRANT, from the Barony of Portsoy:—By Sir H. BUNBURY, from Newton, Suffolk:—By Mr. TENNYSON, from Bishop's Wearmouth:—By Lord NEWARK, from East Retford. For the Abolition of the Duty on Coals, by Mr. MAJORIBANKS, from Hythe:—By Sir H. BUNBURY, from Beccles, in Suffolk:—By Mr. TYRELL, from Bungay, in Norfolk:—By Mr. TENNYSON, from the Coal-shippers of Sunderland:—By Mr. D. GILBERT, from Bodmin and Penzance:—By Mr. WHITEHEAD, from Bedford. Against the Truck System, by Mr. LITTLETON, from Haslingden, Staffordshire; and from Wm. Birt, of Park End, in the Forest of Dean.

DUTY ON CALICOES.] Lord Stanley presented a Petition from Manchester, signed by upwards of 850 of the engravers and workmen employed in the preparation of stamps for calico-printing, praying the House and the Government to determine as speedily as possible in favour of the Repeal of the duty on British Calicoes. The noble Lord observed, that the Calico-trade employed more than one-tenth of the population of the county of Lancaster, large as it was, and nearly 50,000 persons in the adjoining counties. Since the first agitation of the question of a repeal of the duty, the petitioners had been deprived of a great portion of that work which formed their only means of subsistence, because those capitalists who are engaged in the trade were waiting the decision of the Government before they entered on new speculations. Under such circumstances, the noble Lord hoped that the Government would see the propriety of coming to an early, and, he hoped, a favourable conclusion on the subject of the repeal of a duty which was severely felt by the petitioners, and which did not, by its productiveness to the Revenue, compensate for the injury it occasioned.

To lie on the Table.

Mr. Wilson Patten in presenting a Petition with the same prayer, from the Chamber of Commerce and Manufactures of Manchester, stated, that the most ruin-

ous consequences resulted from this tax, which was at once injurious to the consumer, oppressive and vexatious to the manufacturer, and not productive to the Government.

Mr. Maberly hoped to see the principle advocated by the petitioner extended to other things than cottons. Nothing was more vexatious, or more tended to retard improvements in manufacture, than the interference of the Excise, and he thought the Government could not do better than repeal all those duties which interfered with the process of the manufacturer. He believed the Government might give up the tax without losing any revenue.

Mr. Hunt supported the prayer of the petition. It was disgusting to think that 2,000,000*l.* of money were taken from the pockets of the poorest class of the industrious people by this tax, while only 500,000*l.* went into the Treasury. The only difficulty, he believed, in the way of repealing this, and many other taxes, was how to provide for the officers of Excise.

Petition to be printed.

BENEFIT SOCIETIES.] Mr. Wilks presented a Petition from the Temperate Friendly Societies of Sandbach, in Cheshire, and Hall-street, Birmingham, complaining of the expense attendant on the system of Enrolment required by the new Act for regulating Benefit Societies. He was one of those who applauded, as it deserved, the intentions of the hon. Members who framed and supported the Act in question; but when it was recollected that there were in England upwards of 8,000 Benefit Societies, containing more than two millions of members' names on their books, and that a vast proportion of the whole had been excluded from the advantages of enrolment by the expense required under the Act of Parliament, it was, he thought, a good reason for some re-examination of its provisions, with a view to the removal of such an impediment. Great numbers of Societies had, he was assured, abstained from complying with the provisions of the Act in consequence of the expense.

On the petition being brought up,

Mr. Portman expressed a hope, that the hon. member for Boston (Mr. Wilks) would inquire a little more into the subject before he made up his mind that the bill required alteration. There might be,

for anything he knew, more than 10,000 Societies in England; but he would tell the hon. Member a curious fact—that there had been, up to that time, more than 800 Societies enrolled, and 100 more had been approved of by the Barrister appointed for that purpose, while a considerable number had copied the regulations without incurring any expense whatever. A more curious fact still, was, that under the Acts prior to that of the 10th George 4th, there were never so many as 800 Societies enrolled, and as there were now a considerable number beyond that amount, it must be admitted that the Benefit Societies were at least in as good a situation under the bill as they had been before it was passed.

Mr. Wilks admitted, that the present law was an improvement on the old law, but it was not to be supposed that it was perfect, and the petitioners only prayed for a further, and, as they thought, easily made improvement.

Petition to be printed.

GAME LAWS.] Mr. Littleton presented a Petition from the occupiers of land in the vicinity of Wolverhampton, complaining of the Game-laws, and praying for an alteration. The hon. Member took that opportunity to state the opinions he entertained with respect to these laws. He had long thought, and he believed it was now the feeling of the great majority of that House, that the Game-laws should be most materially altered, and he regretted much that the noble Lord (Lord Chandos) had not carried the provisions of his bill to a much greater extent. It had been always his opinion, that the charges connected with the support of game should be borne exclusively by those who enjoyed a monopoly of the pleasures which it afforded. The country had, however, long felt, and he believed the feeling was now shared by the great majority of the House, that the system must be totally altered, and he thought that the best method of putting an end to all angry feelings on the subject would be, to require no other qualification from the person who wished to kill game, except the taking out of that yearly license which the Act of Parliament required. — He would allow every person taking out that license to kill game, even if he possessed but a flower-pot of earth—if he might so express himself—for he believed that nothing

would sooner heal the dissensions which now prevailed in some parts of the country, and restore that good understanding which should exist between the different classes of society, than the abandonment of those exclusive privileges which were now, he would say, unhappily for themselves possessed, by the higher classes, with respect to the preservation of game. He was confident, indeed, that the abolition of the Game-laws would give more satisfaction to the great body of the people than any other measure which could be devised.

Mr. Sykes expressed his hope, that the hon. Member who had just spoken would embody his sentiments in a bill; and, if he did so, that bill should have his most strenuous support. He was of opinion, that the only penalty for an infringement of the laws affecting game should be, a penalty attached to trespass on another person's property; and, with that view of the subject, he should be happy to see all the present laws, without distinction, swept from the Statute-book.

Lord Morpeth also expressed himself favourable to a general revision and alteration of the Game-laws.

Mr. Hunt said, that if the noble Lord (Lord Chandos) did not carry his bill to the extent of a total repeal of the Game-laws, or if the hon. member for Staffordshire did not bring in such a bill, he would himself move such a repeal.

Petition to be printed.

REFORM.] Mr. R. Palmer presented a Petition from the Gentry and Freeholders of the County of Berks, praying the House to co-operate with his Majesty's Ministers in securing a rational, fundamental, and effectual Reform. This petition was agreed to at a County Meeting of the highest respectability; and looking, as he did, at the constitution of the Government at the present moment, and having heard from the noble Lord (Lord Althorp), that they were agreed on a plan of Reform, he indulged an earnest hope that he should be able to comply with the wishes of his constituents, and give their plan his support. He felt bound to add, that a Resolution in favour of the Ballot had been adopted with but a few dissenting voices, although it formed no part of the petition.

Mr. Dundas, as the other Representative of the county, felt bound to say that

the petition was supported by all parties and opinions, and that they completely concurred in its prayer. He trusted that the plan of his Majesty's Government would be such as to combine all parties in its favour, and enable them to avoid all the violence which was to be as much apprehended from the supporters as the opponents of Reform.

Petition to be printed.

TAXES ON THE DIFFUSION OF KNOWLEDGE.] Mr. *Hume* said, he had a Petition to present from William Carpenter, praying for a repeal of the 60th of Geo. 3rd, cap. 9, and for the general abolition of all taxes on knowledge. This petition, although it had emanated from an individual, related to a subject of paramount importance to the best interests of the community, and the present enlightened Government, it was to be hoped, would ere long abrogate all duties on newspapers and political publications, for he was fully persuaded that this would be the most effectual method of repressing incendiarism, and those other evils with which the country had so often been afflicted. The system hitherto adopted would almost lead to the inference, that those who had the management of the State were actually mad, for it appeared to be their constant endeavour to keep the people in absolute ignorance and moral degradation. The petitioner was at present suffering incarceration for the heinous offence of having published a Paper at the price of 4d., whereas the legal minimum was 6d. according to the enlightened Act against which he very properly petitioned. His punishment was a disgrace to those who had inflicted it, and it was no less disgraceful to any Member of that House who could bring himself to advocate it.

Petition to lie on the Table.

CANINE MADNESS.] Mr. Alderman *Wood* moved for leave to bring in a Bill to prevent the spreading of Canine Madness. The hon. Gentleman said, his former bill upon the same subject, at the recommendation of the right hon. Secretary for the Home Department, had been referred to a Committee above-stairs, and as his present Bill was framed on the evidence given before that Committee, he supposed that it would meet with no opposition at that stage. Hon. Members were aware of the great extent to which this alarming malady had

prevailed during the greater part of last summer, and of the general panic consequent thereupon. That there was good and sufficient cause for apprehension could not be disputed, when it was remembered that not less than 400 rabid cases had occurred within a very brief space of time, and that eighty cases had come to the knowledge of a single individual. The worthy Alderman then recommended that the dogs of the metropolis should be generally provided with collars, and (as we understood him) that all persons who were bitten should be entitled, by way of compensation, to levy a fine of 10*l.* on the owner of the dog, especially if ascertained to be rabid. He concluded by moving for leave, according to previous notice.

Mr. *G. Lamb*, as a member of the Committee alluded to, greatly feared that it would be found extremely difficult to comply with the provisions of such a Bill, without causing a great deal of vexation to all owners of dogs throughout the metropolis. The best preventive remedy of the evil complained of would, in his opinion, be found in the gradual reduction of all stray street dogs, which had already been partially effected by the police.

Leave given.

IRISH POOR.] Mr. *O'Brien*, in moving for leave to bring in a Bill for the relief of the aged, helpless, and infirm poor of Ireland, deprecated all discussion until he should hereafter move the second reading of the Bill, when he would be ready to enter into detail, and defend the principle of the measure.

Lord *Althorp* said, he should not deal fairly by the hon. Gentleman, and be wanting in candor to the House, if he did not then state his apprehension, that there might be considerable difficulty in carrying a Bill of this nature into execution. He feared that the Legislature would not be easily induced to consent to its adoption, but did not intend personally to oppose it in the event of its being approved of by hon. gentlemen unconnected with Government.

Leave given.

SPECIAL COMMISSIONS—AMNESTY.] Mr. *Hunt* said, that in rising to bring forward the important measure of which he had given notice for that evening, he fully appreciated the difficulty and delicacy of the task he had undertaken. If gentlemen possessed of talents, endow-

ments, and political reputation, to which he could not by possibility lay claim, had found it requisite to solicit the indulgence and kind consideration of the House, how much more necessary must it be for so humble an individual as himself. No hon. Member present could be a stranger to the situation of the country, or to the melancholy occurrences which had lately taken place in certain disturbed districts in the South of England. It would be proper, before he sat down that he should explain the causes which, according to his views, had occasioned those disturbances; but previous to doing so, he should expressly premise, that he did not stand there to defend any violation of the law, but to advocate, however inefficiently, the cause of those humble classes who had been led into the commission of crime, rather by the force of circumstances than by the bent of their inclination. He had already, as the House would probably be aware, exerted himself elsewhere on behalf of these convicts generally, and especially in favour of the two unfortunate men who were sentenced to death, and left for execution, in the city of Salisbury; and it was but an act of justice to his Majesty's Ministers to state, that he had uniformly experienced the kindest attention from Lord Melbourne, and every gentleman connected with the Home Office, who had politely furnished him with ample opportunity of collecting all the information necessary to the full exposition of the subject. He therefore took this opportunity to thank the Government for such a proof of consideration, and he thanked them in the name of the men and women of the county of Wilts, and of all the disturbed districts. As it would be expedient that he should detail all the circumstances connected with what had occurred in the counties of Wilts and Hants, it happened rather opportunely that he should be enabled to speak a good deal from actual personal knowledge, as it was his misfortune,—or, as he should call it, his good fortune,—to be present at the very first riot that had occurred in Hants. He had no other object in view, than that of bringing under the consideration of the House such circumstances as should enable them fairly to decide upon the propriety of their interference in behalf of the best labourers in England, who were now confined in gaol, or on board the hulks. It would be right, at the outset, to take into considera-

tion that the first which they had heard of this incendiarism proceeded from that part of Normandy opposite the coast of Kent. They would also recollect, that last Session, great numbers of petitions had been presented from the agriculturists of Kent and other places, complaining of grievous distress, and praying for legislative relief. He had not, at the time, the honour of a seat in that House, but he well knew the misery of such petitioners, notwithstanding the contradiction which had been given to their representations by a noble Lord at the head of his Majesty's Government as then constituted. Instead of experiencing that sympathy and relief which, under the circumstances, they had a natural right to expect, they were unequivocally given to understand, that they would still have to endure the state of half-starvation to which they had long been reduced, and it was to this neglect of the late Ministers that he mainly ascribed the criminal acts of the agricultural labourers, driven as they were to a state of absolute desperation. The outrages commenced with the attack upon thrashing machines, which he did not mean to excuse, by asserting that such proceedings were not a palpable violation of the laws; but this he would say, that the people were rendered desperate, and had wreaked their despair upon that machinery which had deprived them of labour and labour's hire, for where thrashing machines had been abandoned, the demand for manual labour had increased to such an extent that sufficient hands were not attainable. It was natural enough, then, that they should assume, that machinery had deprived them of employment. The labourers in Kent, at the commencement of the disturbances, had told the Magistrates and land-owners, candidly and reasonably, that they could not exist with their families on less than 12s. a week, and in those places where the farmers yielded to this very fair demand, no breaches of the peace had occurred; but wherever they had not, the result had been altogether different, and the gaols had been crowded. Of the Chairman of Quarter Sessions in the county of Kent he was disposed to speak in terms of undissembled respect. He meant no personal offence to that hon. Baronet (Sir E. Knatchbull), or to any other gentleman to whom he might find it necessary to allude in the course of his observations, but certain he was, that had a severe example been made of some of the parties convicted

in the first instance, or had the system of leniency then introduced been followed up in a similar spirit, disturbances would never have increased as they subsequently did. To a course of mercy he should assuredly be the very last to object, but disproportionate punishments, as it appeared to him, had been inflicted at those Sessions, seeing that some of those convicted were merely imprisoned for a few days, and others permitted to escape on even much milder terms. They ought to have been made to understand at the time, that they had not only been guilty of a serious moral offence, but had actually incurred the penalties of felony itself. He conceived it a great mistake that Members for counties, political judges as they must be, should be permitted to preside at the trials of their constituents. For himself, he would candidly confess, that were he placed in a similar situation, called on to decide between, a supporter as plaintiff, and an opponent as defendant, he could not so far divest himself of the feelings common to all men, as to deliver an unbiassed opinion, and the case must be the same with every one about him. The acts of violence which originated in Kent had soon spread elsewhere, and it was rather singular, considering the reports which had been so confidently circulated on the subject, that not one foreigner (with the exception of an enthusiast, at Bury St. Edmund's, detected in distributing seditious papers) had been apprehended on charges of incendiarism or riot. Who, he asked, were the persons likely to be benefitted by the conflagrations, unless the poor men who were absolutely famishing of hunger? Many individuals, in anticipation of a bad harvest, had, it was true, bought up grain in large quantities, and thereby occasioned a rise in the price of corn; but he, as an observant farmer, of some experience, had remarked, that there was a heavy crop last year, and had, therefore all along predicted the contrary. As he had already hinted, it so happened that he was himself present at the very first open demonstration of violence which had occurred in the county of Hants. Hon. Members might not be aware that the nature of his business was such as to require his presence from time to time in various parts of the country. The House would perhaps conclude that his connexions must be tolerably extensive, when he informed them that he had agents in

not less than seventy-three towns, with whom it was necessary that he should be in continual communication. He chanced to be on one of his periodical excursions, and was in the act of entering a village in Hampshire, when several women laid hold of him, and entreated, for the love of God, that he would not proceed any further. He naturally inquired the reason, and was informed, that a mob of 600 were up in arms a short distance before him. On asking how they were likely to treat him, he was informed that they would seize his horse and chaise, and plunder, or probably kill himself. As, however, he had nearly as much experience of mobs as most people, he did not think the number sufficiently formidable to deter him from driving his gig into the town. He accordingly proceeded, and found a crowd of from 600 to 700 armed, as represented, and in a high state of excitement. Great as was his experience in mobs, he confessed that the one which he had, at the period he was speaking of, before him, was not like to those he had been accustomed to, and he felt anxious to escape from it as soon as he possibly could drive his gig through. But he was followed to his inn by a great multitude, and had not alighted more than two or three minutes before a message was sent in to him, expressive of a desire, on the part of the farmers, for him to use his influence in allaying the turbulence of the mob of labourers. He told the farmers that their request was a matter of danger and difficulty to any man, but particularly to him, a stranger travelling on his own private business, and that he shrunk from the danger the rather, that if he failed in his endeavours, and that mischief or violence ensued on the part of the complaining multitude, all the evil would be attributed to him, and to the political opinions which he had so long advocated. Shortly after he had given this answer to the farmers, a message was sent in to him from the men—the labouring multitude—entreating him to endeavour to adjust matters between them and the farmers. The men said, they grounded their request on the recollection of the excellent treatment of his own workmen, when he was a resident in that neighbourhood—a statement, he need not say, most gratifying to his feelings, after a ten years' absence. He asked the men, what was the ground of their complaint of the farmers? telling them, that the latter represented it as most

unjustifiable, inasmuch as they had, when the labourers complained, and struck for higher wages, agreed to raise the wages from 10s. to 12s. per week, and that that rate seemed to give general satisfaction. The men replied, that it was very true that such an agreement had been entered into, but added, that it was not adhered to by the farmers, and that one or two of that body not only broke faith with their workmen, but threatened to bring them before a Magistrate for punishment, if they persisted in asking for the higher rate of wages; and that it was on account of that breach of faith that they again struck, and that they were thus assembled in large bodies. If that be the state of things, said he (Mr. Hunt), why are not matters adjusted between you before the local Magistrates! Where are those gentlemen so interested in preserving the peace of the county? The answer was—they were all at home, and had refused that very day, and the day before, to cross their thresholds to perform their magisterial duties, and even to give the men who waited on them a hearing from their windows. Was this the line of conduct that the Justices of the Peace should pursue under such circumstances? But more of this anon. The hon. Member proceeded to say, that he then remarked, if there be no other differences between you and the farmers, there could be no great difficulty in reconciling them, and that he would apply himself to that end. But before he began, he asked the men whether there were any strangers among them, and that if there were, for them to beware lest they should be instigating them on to their ruin as it might be. The answer was, that there was no stranger among them—that they were all native residents of the parish. Three of the workmen, as representatives of the body, had then a conference with him. “I asked them,” continued the hon. Member, “what was it they sought? what did they complain of? what specific grievances did they wish to have redressed? were they aware of the illegal consequences of their conduct? and I told them, if they had any object in view other than to obtain legal redress, by legal, that is, by peaceable means, I would not have any thing to say to them.” The men replied, “By no means, Sir; we entertain no purposes of violence; we mean no mischief to any man; all we seek is a sufficiency to keep life and soul to-

gether—that our wives and children may not in vain cry out to us for food; that, in fact, they and ourselves may have a sufficiency of victuals to satisfy nature.” But I asked, “how can this be? Are not the farmers willing to give you all you now require?” The reply was, “No; the farmers never keep faith with us, and we cannot starve.” The hon. Member proceeded to say, that he then addressed the labourers out of the inn window, urging them, as much as he could, to avoid violence, and to adjust their differences, as far as in them lay, with their employers. “I succeeded,” said the hon. Member, “beyond almost my hopes; the multitude became calm, and in a very short time good humour was restored. Seeing them thus peaceably disposed, I said to them, ‘My good friends, you must not separate without giving me some guarantee that you will continue in this proper mood,—that you will commit no breach of the law,—that neither money, nor liquor, nor the temptation of the force of numbers, will seduce you into the committal of acts which must in the end be seriously detrimental to your best interests, and which, as such, must mortify me and every other man who wishes you well at heart.’ And here I think it but due to myself to declare, that at no period of my life was I a mere mob flatterer—that I never, like others whom I could name, either flattered their vices or pandered to their passions or their ignorance for the sake of a shout extra, or to maintain a spurious influence over an excitable multitude. In this spirit I addressed the labourers in Wiltshire, demanded of them, as a guarantee for their peaceable conduct, that they should immediately disperse each to his own home. They did so, after two cheers, and thus all violence was avoided.” The hon. Member went on to say, that he had not proceeded in his gig more than twenty yards from the place where he had addressed the labouring multitude, when he met their worships, the Magistrates, who had been, as he had stated, so closely immured for the two previous days, during which their services were so much required, with Mr. Portalls at their head. “We,” said they, “thank you, Mr. Hunt, for your most meritorious exertions. You have, indeed, in half an hour effected what we apprehended was impossible without bloodshed.” Even the clergyman thanked me—on account, I suppose, of

the excellent advice I gave his poor parishioners, to avoid idleness and drunkenness. I then said to the Magistrates—addressing myself, with my hat in my hand, more especially to Mr. Portalls, a most respectable gentleman, whom I had frequently met years ago at county meetings—“Gentlemen, I have given your labourers advice; permit me now to offer you some. You must recollect, that I often warned you that things would come to this pass if you persisted in the vicious course you and the Government have been following for years past. I told you that all was owing to the mischievous war which Ministers had engaged this country in, against its own permanent interests, and contrary to the best interests of the human race. I said to you, to enable them to carry on this iniquitous war, Ministers screw you down with taxes; you then screw the farmer, who in a doublefold, aye, treblefold degree, screws down the unprotected labourer; and ultimately, you have all given a screw too much, and as a just and inevitable consequence, what you have been all screwing down has at length been screwed up, just as a patent screw, when screwed in, brings up the cork.” The hon. Member proceeded to say, that since he had returned from the excursion he was then describing, he had visited Overton. As he pulled up at the principal inn, the two ladies who kept it ran out to him, to return him their best thanks for his former exertions, and to tell him all that had taken place in his absence [*Laughter*]. The House might laugh if they pleased—indeed, they were too ready with their laughs—but it was most gratifying to him to be thus thanked by two ladies. “We are all delighted to see you, Mr. Hunt—the poor bless you, and the farmers thank you for your exertions to restore peace when last among us.” Since that, thank God, there has been no breach of the peace, no violence, and not a single committal for crime in the parish. [*Hear.*] This might be a laughing matter to hon. Members, [*“No, no,” from both sides of the House*], but to him it presented a much more serious aspect. This occurred at Overton, whence he proceeded to Andover. A mob was here assembled, which he was solicited by the Vicar, among others, to use his influence in dispersing. He replied, that the Magistrates were the fitting persons to discharge so difficult and dangerous a duty, and that to them they should

apply for protection, and not to him, a stranger, and a man at no period of his life willing to come in contact with a drunken mob. This occurred in the day time, but nothing was done by the local magistracy. About twelve o’clock at night a posse of constables rushed out, and without the slightest warning, attacked a group of labourers who happened to be standing together, and with their bludgeons beat them till their blood almost streamed to their heels. What was the result? Why, the first fire which occurred in that part of the country, that of the premises belonging to Sir Henry Wilson, took place within two miles from the town that very night. It was courageous to resist a tumultuous mob, but to attack defenceless unresisting men was cowardly. From Andover he proceeded to Salisbury. On his arrival he was informed by from thirty to forty shopkeepers of the town, customers of his, that they had heard of his journey, and expected that his entry would be in the midst of attending thousands. His answer was, that there was no such thing as a travelling mob, and that a mob could only be talked into violence. The Salisbury authorities unfortunately did talk the labouring classes into violence, and the result was, that on the subsequent Tuesday, (he left the place on Sunday) commenced the mischievous system of destroying thrashing machines. At the risk of being tedious he had thus somewhat minutely traced his route and doings through Wiltshire—for reasons, the force of which would be obvious to the House when he had referred to the transactions in which the hon. member for Wiltshire (Mr. Benett) had a share. With respect to the destruction of thrashing machines, of which the public had lately heard so much, it was important to bear in mind—what he was prepared to prove at the bar of that House—that in nineteen out of twenty cases the misguided labourers were encouraged by the farmers whose machines they were destroying. In some instances the farmers gave money for this purpose; and in one case the farmer, his own machine having been broken, cried out, “Smash away, let us all be on an equality.” Some actually offered their machines to be destroyed on condition that they should be all put on a level. And this infamous encouragement brought him to the proximate cause of the battle of Salisbury. About 150 persons in the

neighbourhood of that city, having procured 9*l.* among the farmers, went and got drunk with the money, when, flushed with liquor, they became riotous, and to quell the riots the valiant constabulary of the town showed their martial fronts in vain. To aid them the yeomanry were summoned to arms; but even these doughty, heroes failed to conquer, their feats being confined to one of them shooting a comrade through the body by accident, and to another of the combatants jumping, with most unusual agility, over the garden wall of the hon. member for Salisbury, and there changing his clothes, that he might creep home in safety. The rioters were, as the House was aware, after that captured in detail by the military, tried, and many transported; and thus ended the battle of Salisbury. The hon. Member proceeded next to say, that notwithstanding his zeal and successful exertions to prevent violence and restore tranquillity, he was represented invidiously in certain quarters as having pursued an opposite course. On this point he wished to be understood. He appealed to the hon. Under Secretary, for the Home Department opposite, whether statements had not been made to him, that he (Mr. Hunt) was the soul of all the riots and incendiaries in Wilts and the neighbourhood, and that too while he was travelling on his professional matters. He trusted that Ministers would prosecute an inquiry into the causes and abettors of the riots, and that the guilty incendiaries would be held up to punishment and public scorn. He was confident that it would appear on inquiry, that the farmers themselves were the guilty parties, and not their unfortunate victims, whom, in an evil hour, they encouraged to commit crimes, and afterwards prosecuted to conviction and punishment. The hon. Member proceeded to say, that he visited a village in Somersetshire. On his entry, he found the yeomanry busy, parading and marching up and down in battle array. He asked the first intelligent woman he met, what was the cause of all these martial proceedings? "Why, to be sure," said the honest woman, "to prevent the men from asking for proper wages;" and in a few days he saw the truth of the poor woman's answer, for wherever the yeomanry was called out wages were kept down. [*"No, no," from the Treasury bench.*] Well, there might be one or two exceptions; but, generally

speaking, he was right; as the 9*s.* rate in Hampshire, and the 7*s.* per week rate in Wiltshire, in themselves testified—a rate of wages which was incompatible with a wholesome condition of society. In another parish which he visited, an attempt was made to induce the farmers to be sworn in Special Constables, which failed on account of the—he did not know how to call it—extraordinary conduct of the Rector. This Gentleman levied for some years not less than 1,600*l.* a-year, though the average rate was but 1,000*l.* When the disturbed state of the parish pointed out the necessity of swearing in some of the farmers as Special Constables, to protect property, the rev. Gentleman was requested to accommodate himself to the exigencies of circumstances, by reducing his tithes to the original sum of 1,000*l.*; but he, in a spirit not exactly similar to that usually eulogized in the most Christian followers of the Gospel, peremptorily refused to abate one shilling, and in consequence of his refusal, the farmers as peremptorily refused to become Special Constables, thus leaving lives and property to take care of themselves. Precisely the same events occurred in other parishes, and with the same unfortunate results. In one place, the rapid common-place which had been so successfully put forward in that House as an argument, forsooth, against the ballot, was repeated with the same tone of self-complacency to those who refused to be sworn in Special Constables. They were told, their refusal was un-English, as if that rapid clap-trap phrase was pregnant with argument and meaning. The answer of one of the refusers, a tall muscular but half-starved young man, of thirty, was worth repeating for the benefit of those hon. Members with whom sonorous phrases had in general more weight than fact or argument. "You tell me," said he, "that our refusing to be sworn in special constables is un-English. I admit it is, but I ask you if it is the only un-English grievance in existence? I have a wife and five children, I am able and willing to work, and yet all I can procure to support them and myself is 7*s.* per week. Is that English? Is it English, that on a Monday I am frequently obliged to lie in bed in order that my share of our scanty victuals may go to support my poor infants and their mother? Is it English, that while I, in common with many others like me, am

thus stinted in the very necessities of life, the parson, who abounds in its luxuries, should refuse with anger to abate one penny of his tithes? This is what I call very un-English. And when you remove these un-English grievances, I'll admit that my conduct, in refusing to protect the property of those who have hitherto evinced very little regard to my interest, is equally so." He (Mr. Hunt) fully agreed with the individual whose sentiments he had just quoted, and had only to add to it, that when that House had redressed all the un-English grievances which it had been instrumental in inflicting and perpetuating, he should be prepared to join in the cry, that vote by ballot was un-English. The next point to which he would call the attention of the House was, the attack on the property of the hon. member for Wiltshire (Mr. Benett). The labourers having been, as he had stated, and was ready to prove, instigated by the farmers to destroy the thrashing machines, and stimulated by liquor and money served out to them for the purpose, proceeded to that course which led to the recent Special Commission with all its consequences, destroying all the thrashing machines in their neighbourhood, and ultimately those of the hon. member for Wiltshire. To that hon. Member, whom he saw in his place, he wished to say one word of a personal bearing. He (Mr. Hunt) was credibly informed,—and indeed was ready to prove it at the bar of the House,—that when the hon. Member met the rioters proceeding towards his house, he said, among other things, "I see how it is. Cobbett and Hunt are at the bottom of all this." "Now," continued the hon. Member, "I told the hon. Member yesterday, that I had heard this declaration of his from what I should conceive credible authority; but that if he declared upon his honour as a gentleman that he did not utter it, I would make no allusion to it this evening. The hon. Member's reply was, that he most probably had expressed such a sentiment, but could not recollect when, but thought it was not on the occasion I have just spoken of. I am bound to believe it was on that occasion; because I have been told that it was the hon. Member's violent and unjust language with respect to me, that occasioned the rioters to immediately destroy his machinery. And if this be the case, I appeal to the hon. Member's feelings and honour,

as a man and a gentleman, to stand up in his place this night, and make allowance for the acts of a multitude so unjustly taunted. There was a circumstance connected with the destruction of one of the hon. Member's machines worth mentioning, as reflecting a strong light on the motives and purposes of the misguided agents. The machine, a thrashing one, was attached to a water-wheel, which, at the same time, turned a corn-mill; but though the thrashing machine was completely destroyed, the water-wheel and the mill were most carefully left untouched; thus showing, that their destruction was by no means indiscriminate, and that all they aimed at was, the removal of that which they believed to lessen the demand for, and thence the remuneration of, their labour." The next point to which he requested the attention of the House was, the conduct of the Hindon cavalry yeomanry towards a—at the time, and that was all he wanted to impress—peaceable multitude. He was one of those who never designated a multitude a mob till they had assumed an air of violence, and who would suppress with the arm of the law all mob illegality. But it should be clearly seen that their conduct was actually at the time—and not might have been before—illegal: not so with the Hindon yeomanry. They actually attacked, sword in hand, a multitude at the time proceeding peaceably along a narrow lane, and without any warning or provocation cut them to pieces in the most horrible manner—chasing those who fled from their violence across the adjoining fields, discharging their pistols at the fugitives when beyond the reach of their swords; they actually shot one man dead for no other crime, as it should seem, than not standing to be sabred. Now, he respected the laws as much as any man in that House, and would as readily enforce them, but, he would ask, was such violence towards a peaceable unarmed multitude necessary? was it justifiable. But this was not all, Not less than sixteen or seventeen of those thus wounded were bound together in one waggon, and transported that night not less than seventeen miles to Salisbury gaol, without any regard to their wounds or their sufferings. Nay, more, though on the way the yeomanry who escorted them stopped when and where they pleased for refreshment, and though the wounded prisoners were parched by thirst and pain, not a drop

of water was allowed them—not one particle of dressing to their wounds. Even this did not complete the chapter of suffering and cruelty. On arriving at Salisbury, after their seventeen miles journey, they had to wait two hours before the gaoler could procure them accommodation, and upwards of three hours more before a surgeon attended to dress their wounds. Was not this a case that called for inquiry? But, perhaps, he might be told, that a Coroner's Inquest had inquired into the circumstances attendant upon the death of the man who had been shot in this slaughtering affray, and that that jury had found a verdict acquitting the Hindon yeomanry. There was such an inquest, and, as might be expected from the construction of the jury, the foreman being the father of one of the yeomanry, the defendants or criminals in the case, there was such a verdict. The verdict was justifiable homicide. Well, the men thus wounded and captured were put upon their trial. There had been several executions in the county of Kent,—there had also been some in the county of Sussex,—there had likewise been others in Hampshire, and there had been one in Berkshire. It was true that they had been spared in Wiltshire, but in the trials there, one circumstance had come to his knowledge, which he would explain to the House, if it would have the kindness to bear with him a little longer. It would be in the recollection of many Gentlemen, that about the middle of November there were several riots in the neighbourhood of Marlborough. A respectable tenant of the hon. member for Westminster had the misfortune to have two of his nephews engaged in those riots. A son of that tenant was induced by a person who ought to have known better, to write a letter of a threatening nature to the prosecutor of his two cousins. He repeated it, a person who ought to have known better had induced this lad to write a threatening letter to the prosecutor of his two cousins. The lad did as he was advised, and in so doing committed an act which he would not for one moment attempt to palliate. That man who could deliberately sit down to write a threatening letter, or even an anonymous letter, he called a coward. The writing of such letters was an act of cowardice, and nothing else. He felt it to be such, and he could not help expressing his feelings. Since he had had the honour of a seat in Parliament, he had

received a great number of anonymous letters, threatening him with destruction on his road home over Westminster-bridge, if he continued to speak as he had done respecting the suppression of the Pension-list. He could assure the House, he could assure the writers, that he treated such letters with the most profound contempt. If they were post-paid, they were read, and went, as soon as they were read, to the back of the fire. If they were not post-paid, they were not taken in, but sent back to the Post-office, for the amusement of Sir F. Freeling and his clerks. He wished that the Government had treated these threatening letters with the same contempt. But what was the fact? It appeared that the letter sent by this lad was written on a very curious piece of paper; it was evidently torn off another piece of paper, as it was ragged and jagged at the edges. It was thought by the prosecutor, that owing to this circumstance it might, by the assistance of a Bow-street officer, be traced to its author. Another tenant of the hon. member for Westminster (Sir F. Burdett) went with the Bow-street officer on this labour of discovery. They supposed that this letter was in the hand-writing of the tenant whom he had mentioned before, and whose name was Looker. They went, in consequence, to Looker's house, and seized his papers. They found in his writing-desk a piece of paper similar to that on which the threatening letter was written. The edges of it matched the ragged edges of the paper on which that letter was written. This old man—or he should rather say, this old gentleman—was, on this discovery, taken up. Yes, he was taken up and sent to a common prison, notwithstanding the respectability of his character. At that time he rented a large farm under the hon. member for Westminster, and only nine months before, he had taken a large farm of another large landholder, General Popham. Although it was proved that the old man had three sons—that his desk was always open—and that there was free access to it, the old man was taken up and sent to prison: “and, therefore, it is that I call the attention of you, Gentlemen, who are Members of Parliament, and as his Majesty's Attorney General is also present, I call his attention also, to the proceedings on this old man's trial.” Those proceedings merited investigation, and he was sure that when the House was

made acquainted with them, it would be of opinion that no man could consider himself safe, if they were allowed to pass without investigation. Old Looker was, as he had told the House before, taken to gaol, though he was as respectable and well-dressed a man as any in that House. He was handcuffed before he was sent to gaol. He was sent first to the gaol at Devizes, and afterwards to the gaol at Salisbury; and at the latter place he and seventeen or eighteen others were lodged in a damp cold room, where they had only a handful of coals given to warm them, and where they remained for nine days, in the most inclement part of this winter, without any additional covering,—a fact which did not tell much to the honour of the Magistrates of Wiltshire. At last Looker was tried, and the Crown was his prosecutor. The witnesses against him were three of the farmers to whom the threatening letters had been addressed; and they swore that those letters were in his hand-writing. But on their cross-examination, they all admitted that they were on bad terms with the defendant; that they had not seen him write for the last six or seven years; but that still they believed the writing to be his. The counsel for the defendant thought the case against his client so weak, as to put it to the learned Judge who tried it, whether he thought there was evidence to go to the jury. The Judge said, “Yes, there is; and I believe the jury will have little doubt as to its effect.” On his defence, the counsel for Looker called eleven witnesses, some of them schoolmasters, others excisemen, who had repeatedly seen him write upon matters of business, and that, too, up to the very time of his trial. They swore distinctly that the letter was not in his hand-writing,—that it was not at all like its character,—that the one was of an angular description, and that the other was a round hand. Yet, notwithstanding all this, the Judge allowed the case to go to the jury; the jury found the old man guilty, and the Judge condemned him to transportation for the term of his natural life. The old man, conscious of his own innocence, said, that he should not have implored the Judge to spare him had he been guilty; but that he was innocent, and knew nothing at all of the letter. The Judge told him that he could not believe his asseverations of innocence, for the jury had found him guilty; and in proceeding to pass

sentence upon him, said, “You will go out of this country into another. You will be sent to a country where you will find few worse than yourself. You will be lamented by no human being whom you may leave behind you.” Nay, more than this, the learned Judge lamented that the law relative to this crime had been recently altered. He said, that the crime of which the prisoner had been convicted, was formerly punishable with death—that it was not so punishable at present; but that if it had been, he should have felt it to be his duty to let the law take its course, and to leave him for execution. The counsel for the defendant then went up to the bench, and told the Judge, that he was perfectly astonished at the verdict, for the son was in Court, ready to make oath that it was not his father, but himself who had written the letter. He wished to call the particular attention of the House to what occurred next. The son was called up into the box, confessed that he had written the letter, wrote a copy of it in the same hand, was thrown into prison upon his confession, was afterwards tried, convicted, and sentenced to seven years transportation. Yes, a mere boy of seventeen years of age was sentenced for this letter to seven years transportation! “I saw that lad,” continued Mr. Hunt, “since his condemnation. He felt proud, and naturally so, of having saved his father by his confession from undeserved punishment. He hoped that he himself should not meet with severe punishment, but he said, that he would rather be transported for seven years, than remain for one year in the gaol at Salisbury. Now, I would ask the House to consider what would have been the case, had this young lad stood mute? Undoubtedly, in that case, the old man, his father, must have been sacrificed. But what if he had ran away? In that case too, the old man would have been transported for life, or would have been executed had the law remained unaltered. What, too, would have been the consequence—and I think I have a right to call upon the House to consider this point—what would have been the consequence, had he withheld from his father his knowledge of who was the author of that letter, from a wish to inherit his share of his father’s wealth a few years before the natural time? I admit the crime of which this lad was guilty—I seek not to palliate it; but I say, that had this lad lived

in the times of ancient story—had he been a native of Rome, or Athens, or Sparta, and made this sacrifice of himself to save his father, a monument would have been erected to his memory—he would have been crowned. I repeat it; a son who had thus manfully come forward at his known peril to save his father from punishment, would have had a monument erected to his memory. He would have been crowned with a crown of evergreens. [laughter] I trust that I must attribute this laughter to my want of talent to describe the merit which I estimate so highly. I hope that I have no reason to attribute it to a want of feeling in those who style themselves the Representatives of the people.” The hon. Member then proceeded to say, that the exemplary conduct of young Looker was a fit subject for celebration by the historian, the poet, and the dramatist. Yes, by the dramatist, for if his story were dramatized, and he believed that it shortly would be, where was the heart so hard as not to feel for the pangs which he must have suffered on account of his father? The hon. Member next proceeded to call the attention of the House to the cases of Lush and Withers, who were condemned to death at Salisbury. Withers he said, was a man of exemplary character up to the time of his committing this offence. At the time when the prosecutor and his companions rode up to him, he was committing no act of violence. The prosecutor and his companions rode into the mob, who were then quite peaceable, and cut at them to the right and left with a hunting whip, with a heavy iron hammer at the end of it. Withers received repeated blows with this formidable hunting whip; and then, having in his hand an iron hammer, which had been used in breaking machinery, actuated by the impulse of the moment, he threw it at the prosecutor, but missed him. Withers was then driven into a corner by the prosecutor, and was crushed against a wall by the prosecutor’s horse. As he attempted to escape, he fell forward, and was struck as he fell by the prosecutor with his hunting whip. He then flung his hammer a second time at the prosecutor. That time it took effect, and knocked the prosecutor off his horse. He would appeal, however, to any Englishman, and would ask, whether it was in human nature to remain quiet under such provocation? He would ask any man whether the conduct of the prose-

cutor did not afford some palliation at least for the conduct of this convict? Such was the feeling of the prosecutors themselves upon this point, that they did not get him committed for an assault, but for a riot. The Attorney General, however, when the facts were submitted to him, thought that they formed a serious case, and deemed it right, in the exercise of his discretion, to have the man prosecuted, not only criminally, but capitally. He was so prosecuted; on the prosecution he was found guilty, and at the close of the commission for Wiltshire, was sentenced to death, and left for execution. The hon. Member then proceeded to investigate the proceedings which terminated in the capital condemnation of Lush. “When I first, he said, went to visit Lush, at Salisbury, after his condemnation, I was informed by that unhappy man, that when he was first committed to gaol, and before his trial came on, he sent for an attorney, into whose hands he placed, confidentially, a full and clear statement of his case. The gaoler’s clerk was present when this statement was made to the attorney; and on the attorney’s leaving the prison, the statement was taken out of his hands, and was, by a rule of the prison, submitted to the inspection of the gaoler. The gaoler, on looking at it, said, ‘This document is too long for me to read to-night; I must take it to my private room to peruse it.’ He was as good as his word, for he took it and kept it for three whole days before he returned it to the attorney. Now, I would ask the Attorney General, whom I am happy to see present on this occasion,—I would ask him, I say, whether this either is or ought to be the law or the practice in this country? I appeal to his common sense, and ask him, what use the gaoler could make of this man’s confession, if it were not to betray him? I stated this man’s case to the proper quarter,—I stated it to my Lord Melbourne; and that excellent officer, who fills his situation with so much efficacy and propriety, has taken effective measures to put a stop to this abominable practice. According to the rule established in the gaol at Salisbury, no prisoner, if he be confined for either murder or high treason, or any other offence, can communicate confidentially with his attorney, unless a servant of the gaoler be present at the time of the communication. Could any man of

common humanity sanction such a practice? Could it exist for a moment after it was once exposed to the knowledge of the public? I believe that what I had the good fortune to communicate to his Majesty's Government upon this shameful practice had great weight in inducing them to spare this man's life. In the Spanish Inquisition, when a man was put upon the rack to extract from him a confession of his guilt, he had full knowledge that, when his confession was made he would suffer death for it. But here, in a country which boasted of the lenity of its laws, and the mildness of its institutions, the case is infinitely more cruel. Here a man is compelled to communicate the whole of his case to his attorney,—and the first advice of his attorney always is, to let him know the worst features of it,—in the presence of his gaoler, who thus gains a clue to all the evidence which may be necessary to convict him. I do not mean to say that the Attorney General made any use in these cases of the power which the gaoler at Salisbury exercised over his unhappy prisoners,—far from it. What I ask is, why should this power be exercised at all? Why should this thing be done? I believe that this practice is now abolished. Having ascertained its existence, I felt that it was my duty, as an honest man, to exert all my abilities to put a stop to it. Let me do full justice to the Government on the point. The Secretary of State, upon hearing of it, deemed it unworthy of the country, and disgraceful to the Government. From what I have been able to learn, it was never sanctioned by Government, but was the act of the county Magistracy, and of the county Magistracy alone." The hon. Member then proceeded to say, that in asking for a general pardon and amnesty for these unfortunate labourers, he proposed to have it extended to every case, and not merely to those cases which he had particularly mentioned. He did not wish to hint or to insinuate that the King's Ministers had not done justice in making inquiry into the different degrees of guilt contracted by the different convicts, but he wished to guard them against giving implicit credence to the information which they received, and to call upon them to consider, that the knowledge which they acquired of these men came from the county Magistracy, and from them alone. He had obtained some information on this subject, which he

wished to lay before the House. Among these rioters was a poor youth, with one leg, who had formerly worked upon his farm. He had interfered on behalf of this youth, and in consequence of his interference had discovered, that in these riots many persons had been apprehended, but not on the spot where the riots were committed. For instance, seven men were apprehended at Hindon, some time after the occurrence of the riots in that neighbourhood. Their wives and families were anxious that he should interfere on their behalf. The first question which he asked respecting them was, "Are they men of notoriously bad characters?" The answer which he received was, that their characters were, for the most part, good, but that, unfortunately, they were all poachers. Now, there were great preserves of game in the neighbourhood of Hindon; and the existence of such places in the vicinity of men whose wives and families were all but starving, was enough to make them all poachers. He was told, that there were many individuals who had been much more active than these men in the riots, but that these men were selected by the magistracy as fit objects for prosecution, simply because they were poachers. He then told their wives, that if such was the case, nothing could be done for their husbands—they must be sacrificed; and that was not only his opinion, but the opinion of almost every man with whom he conversed in the country, it being well known there that the Magistrates were determined to make these riots useful in getting rid of all individuals who were personally obnoxious to themselves and other landholders. He had also discovered in the course of his inquiries, that he had himself been accused to the Government of being one of the most active incendiaries in the country; though he believed that in the opinion of the Government itself he stood fully exonerated from that accusation. He had likewise discovered who the incendiaries were, and the greatest incendiary that he had found was a ruined and broken-up farmer. Unfortunately he had found many such men in his travels through the country. He was going along the road, when he met a person, whom he had known some years ago as a respectable farmer, going to a neighbouring town, where the Magistracy were assembled. The man addressed him, and said, "I am going into Ilchester, where

the Magistrates are assembled, to be sworn in as a Special Constable : and I shall take the opportunity of letting them know a bit of my mind. It is but four years ago that I rented a farm of 400*l.* a-year. The pressure of the times made all things go wrong with me ; two flocks of sheep died in my pastures ; and in the course of two years I was so reduced that I thought of giving up my farm. My landlord came to me—told me that he was aware of the calamity which had befallen my sheep, and promised me, that if I would stay on my farm, and re-stock it, I should not be pressed for my rent. In consequence, I was induced to go on. I borrowed money of my friends to re-stock my farm ; I bought a third flock of sheep ; my landlord saw all this with pleasure : he waited till the produce of my farm was safely housed after the harvest, and then he came and swept away the whole of it with a distress for rent ; and now, after all this, I am called upon to be sworn in as a Special Constable ! I tell you what, Mr. Hunt, I have but one hogshead of cider now in my possession ; but the mob are welcome to take the whole of it if they like." The farmer then proceeded to use language of the most violent description, which he would not weary the House with repeating : suffice it to say, that he was sure that the man was capable of committing any outrage from the very desperation of his circumstances. He was driven to incendiarism by his desperate poverty. He found among the farmers many men in a similar condition of desperate recklessness. He learned also, that the general opinion in the country was, that nine-tenths of the farmers were in a state of insolvency, and that the whole, or nearly the whole, of their property, was pawned to their landlords. He believed, that it would be found quite impracticable for Ministers to carry on the Government without granting them some relief. If no relief were granted to the country, a convulsion must inevitably ensue. "I, for my part," continued the hon. Member, "have endeavoured all that I could to prevent convulsion. I am not fool enough not to know that I shall not live over the first day of convulsion. I repeat my assertion—I shall not live over the first day, and, therefore, I am personally interested as well as morally, in preventing a general convulsion or any general act of violence." He implored Ministers not to

object to the present Motion. He told them, that he knew full well, that if they granted this boon to the country, it would be of more service than any other measure in tranquillizing its present discontents. He had been told, that in many villages these prosecutions had fallen most heavily upon the best labourers, and that in some there would even be a scarcity of labourers from the numbers which the convictions would send out of the country. Let them think on that fact before they determined to execute the strictest severity of justice. Let them reflect, that if they mitigated the severity of the law, they would make themselves memorable to the most distant times, and would be venerated in after-ages as the benefactors of their country. He knew that they had much to contend with, but let them show mercy in their determinations, and fear not. He knew they had to contend with rapacious and avaricious landlords, who had never consented to sink their rents, or to allow their tenants any remission of their strict due, to raise the wages of their labourers. They had likewise to contend with another species of influence, which he trusted would not exercise much weight over their minds. He was sorry to learn,—not, indeed, from any authentic source,—but it had been mentioned in the newspapers of the day, and the information was believed to be correct,—he was sorry to learn, that some of the learned Judges of the land had complained of the mercy which Ministers had extended to the unfortunate men convicted before them. He hoped that this was not the fact : he hoped that the newspapers were incorrect in making such a statement : he hoped that in this country, where mercy was left in the hands of the Sovereign, there was no Judge who would dare hold out a threat against the Government, or who would venture to insinuate to it one word of his disappointment, because it had advised his Majesty to give his sanction to an act which redounded equally to the honour of the Ministers who gave, and of the King who acted on, such advice. He hoped that this report about the Judges was as false as he had ascertained the assertion to be, that the majority of these unfortunate convicts had never suffered under the pressure of want. He had got from the overseer of the parish of Tisbury, an account of the rate of wages paid to the agricultural labourers of that parish. It

showed distinctly the desperate state of poverty to which those labourers were reduced, who committed the greatest acts of violence in the county of Wilts. The paper which he held in his hand contained an account of the allowances agreed to be paid to the poor of that parish on the 1st of November, 1830, on which day was held the last parish meeting, previous to the breaking out of the disturbances. John Barrett, for himself, his wife and child, was to receive 5s. per week. William Sanger acquired for himself and wife, 1s. 8d. each per week. Now, the greatest misfortune attending the rate of allowances in this parish was, the way in which the wages of the labourer had been paid in it. He had heard the hon. member for Somersetshire say on a former evening, that it was a hardship on the landed interest that it should be burthened with the payment of all the poor-rates of the county. He denied the existence of this hardship, for proof of it he could find none. Where was it to be found? Was it in the parish of Tisbury? Let the House look to what was the practice there. He did not mean to say, that the hon. member for Wiltshire, who resided in that parish, paid the rate of wages which he had mentioned. Perhaps, as that hon. Gentleman was a man of opulence, he paid his labourers a higher rate: but the rate which he had mentioned, was the rate at which the labourers were to be paid, according to a settlement signed by the hon. member for Wiltshire, as chairman for the county. The labourer received 6s. or 7s. a week as a remuneration for his labour, and how did the parish make up the rest of his subsistence? By allowing him 2½d. per week for each head in his family. The overseer of the parish, from whom he had received this statement, was ready, if necessary, to swear to the truth of it. In some parishes, only 2½d. a head was paid; and in others, only 2d. and the half of a farthing a head. He appealed to the House—nay, he appealed to the gentlemen of the landed interest themselves—to remedy this dreadful evil of paying industrious and hard-working men out of the poor-rates. It was a most horrid and degrading thing, that a man who worked hard from an early hour on Monday morning to a late hour on Saturday night, should only receive 7s. a week, and should then be compelled to look to the parish for the scanty aid which was necessary to enable him to eke out a wretch-

ed and miserable existence. This was placing him in a worse situation than that of any slaves in the West Indies. When he was a farmer, he never would keep in his employment any man who could not earn in a week enough to support his wife and family without application to the poor-rates. In the year 1816, when farming produce fetched even a lower price than it did at present, he occupied a farm in the next parish to that in which the member for Wiltshire now lived. At that time he gave his labourers half-a-crown a day each. Were such wages paid at present? No; and therefore it was, that he said that the poor-rates were not paid out of the produce of the land, but out of the wages of the labourer. Let the hon. member for Somersetshire, who said that the poor-rates were paid out of the land entirely, look at the parish of Christchurch, where he (Mr. Hunt) lived,—a parish in which there was no more land than that upon which the houses stood. The poor-rates of that parish were not of inconsiderable amount. In many towns he knew that at present they were assessing or taxing to the poor-rates, not only the houses, but also the stock which they contained. Why did he call upon the House to look at the administration of the poor-rates upon this question? That maladministration of the poor-rates was one of the reasons which induced him to call upon Ministers to aid him upon this occasion. He called upon Ministers to interfere in behalf of numbers who were not bad characters, but who, from the insufficiency of their wages to support existence without application to the poor-rates, had been compelled to turn poachers. He would insist, too, that it was the accursed system of the Game-laws, united to the extreme poverty and distress of the people, which had been the cause of many of the late crimes. He had to thank the House for the patient attention with which it had listened to the statement which he had felt it to be his duty to make. He believed that the consent of Ministers to his motion would redound to the peace, honour, and happiness of the country, no less than it would to their own individual character and honour. He believed that it would redound to the credit of the House, if it would concur in the consent of Ministers, for without the consent of Ministers he well knew that he should carry nothing in that House. He implored Ministers to

grant this great boon to the country. Perhaps some of these unfortunate men had not yet been sent out of the country. It would be a great thing if the Ministry would inquire more minutely into their cases, even supposing that it could not consent to pardon them. He was very well aware that the Government had found it very difficult to satisfy the Magistrates and the country gentlemen. He knew that some landlords, in order that they might be able to keep up their rents, had always set their faces against wages being raised,—nay, that they had even endeavoured to lower wages for the same reason. He knew also that some country gentlemen—he hoped they were very few—had advised the Government not to listen to the voice of mercy. He would just describe one of those persons, that the House might understand what sort of people they were. [*Cries of “Question.”*] They need not be afraid that he should offend any one. He would mention no names, nor allude to any one personally. He went to the house of the person to whom he referred, and told him, in the course of conversation, that he (Mr. Hunt) had been to Salisbury to try to get the unfortunate men off. “To get them off?” was the reply. “Pooh! I would have them all hanged, and more too;” and in saying this, he appeared ready to turn him (Mr. Hunt) out of his house. Yet this man, who was a large farmer, and a man of property, was visited by all the first families in Wiltshire. He would give another instance of the character of the same person. He called upon him one day,—it was just after the Catholic Relief Bill passed,—and found him with his shooting-jacket on, and his gun in his hand, just going out for a day’s sport. However, they sat down to breakfast together, and, in the course of the breakfast, he (Mr. Hunt) happened to say to him, “Well, so you see the Duke of Wellington and Mr. Peel have passed that bill about the Catholics.” Now, what did they suppose was the reply of this gentleman,—who, by the way, was always preaching up to him (Mr. Hunt) the necessity of not losing one’s temper? His reply was this—“I’ll tell you what: if I could meet the Duke of Wellington and Mr. Peel this morning, and none but ourselves were by, nothing should induce me to refrain from blowing out the brains of one with my right barrel, and of the other with my left barrel.” Such was a

specimen of the class of men who would hear no mention of mercy, and who were desirous of hanging all they could. While he was upon this subject, allow him to state, for the information of the Government, of the House, and of the public, that, although it had been said that there was a deficiency of corn in the country, he had never in his life seen such a quantity of corn in the stack-yards as he saw when he was lately travelling through the various districts of England. He proclaimed this publicly. The thrashing-machines had been put down, and for that reason very little of the corn was thrashed out: but the consequence of this would be, that it would come to market more regularly, and that in June and July, when corn was usually dear, it would be cheaper than it had been for some time past. He was convinced, from his own observations, and from the reports of others, that there was more corn in the country now than there had been for the last ten years. He would not detain hon. Members any longer, if they were tired of his statement, and he thanked them very kindly for the attention with which they had heard him. He would conclude by moving—“That an humble Address be presented to his Majesty from this House, praying that his Majesty would be graciously pleased to grant a general pardon and amnesty to those unfortunate agricultural and other labourers who had been tried and convicted at the late Special Commissions.” The country at large would be delighted if this was done. He knew that there would be no peace in the country unless the poor were convinced that the laws were administered with mercy as well as justice. The poor did not think that they had committed even any great moral offence, and yet they were told, that they had committed capital offences, and had been punished accordingly. There would be great heart-rendings and misery in the country if his motion were not agreed to: but if it should be granted, it would be hailed with joy by every man of humanity.

Mr. *Hume* seconded the Motion.

Mr. *G. Lamb* said, that in rising to make some comments—they should be very few—upon the speech of the hon. member for Preston, he felt bound to say, that the hon. Member had hitherto strictly conformed to the declaration which he had made at the outset,—namely, that he

would not lose sight of the respect and deference that were due to the House. The House, however, need not, he was sure, be reminded, that statements might be made that were not less exaggerations, and that charges and imputations might be brought forward that were not less violent and unjustifiable, though delivered in the most quiet and guarded tone. The hon. Member, too, had said, that he would avoid all personality. For his own part, he was most anxious to do the same, especially as the hon. Member's speech, notwithstanding the pruriency of his eloquence—had been rather an account of his own personal adventures in the country, than an argument or a statement of facts in support of the Motion with which the hon. Member had concluded. Now, first, with regard to the hon. Member's travels in the country, he had a word or two to say. The hon. Member had applied to him, to know if information had not been directly conveyed to the Home-office, that he had been taking part in the outrages that disturbed the various districts through which he had journeyed. He had not the slightest hesitation in replying to the hon. Member, that he did not recollect that any such distinct information was conveyed to the Home-office, either by letters or otherwise. Nor was it necessary there should be, for this charge against the hon. Member was in every body's mouth, and published as widely as any charge could be published. The hon. Member had told them, that he had made those journeys into the country for the purpose of his trade; but allow him to observe, that the hon. Member appeared to have acquired very extensive information about rioters and incendiaries,—not meaning, probably, by "incendiaries," those persons who actually set fire to the stacks. Although the hon. Member had that night made a very full display of the information he had acquired respecting these persons, their motives, and their actions, yet he must say, that, in his opinion, the hon. Member would have done much better if he had communicated that information to the Magistrates, instead of reserving it until now as a secret for the House of Commons. However, as the hon. Member had declared that he made those journeys for the purposes of his trade, and for no other purposes, he was, of course, bound to believe the hon. Member, and he would say no more upon the subject, except that the hon. Member ap-

peared to have been the most unlucky peaceful traveller that ever blundered into the tumults of three counties. He would now call the attention of the House to the Motion before them, though the hon. Member himself had almost forgotten to say anything about it. The object of the Motion was, to obtain an amnesty for men who had plunged the country into tumult, riot, and confusion; and that object was to be attained by calling upon the House to interfere with the dearest and the most cherished prerogative of the Crown,—a prerogative which had ever accompanied and belonged exclusively to the Monarch, and which had in all times been productive of the happiest effects. Let it not be supposed that he denied, or that he doubted, the right of the House of Commons to address the Crown for any purpose, or upon any subject; but he was quite sure that the House would never interfere with the dearest and the most precious rights of the Monarch, unless the strongest possible case were made out as a justification for such interference. What, he entreated them to consider, would be the situation of the King, if the House of Commons were to approach the Throne with an Address like that proposed? What would, in effect, be the language that they held, no matter in what particular words their Address might be couched? Their language would be this:—"Your Majesty has allowed the law to take its course with regard to a certain number of convicts; some have been consigned to death, others to transportation; but we now come forward to wrest from your Majesty the merit of the mercy that your Majesty has shown, and to fix upon your Majesty all the odium of the supposed cruelty that has been inflicted, and is in the course of being inflicted." They had been told by the hon. Member, in allusion to the conduct of a hon. Baronet in Kent, that the lenity shewn at the commencement was bad; that either that lenity ought to have been continued, or that it ought never to have been shown at all. This was reasoning which, he was ready to admit, he did not understand. In his recollection this was the first time that there had been a general spirit of discontent and insubordination among the agricultural labourers; and was that House now, after the most fair and impartial trials, after the Government had made selections for punishment with the greatest care,—was that House, he said,

after this, to come forward with an amnesty, which would be equivalent to saying, "we began with lenity, and yet you continued your unlawful courses; we then intended to proceed with punishment, but we have now altered our minds, and this amnesty is an encouragement to recommence those outrages, for it promises impunity?" He wished to deal with this subject in the best temper he could command, but he could not help expressing the astonishment with which he had heard the hon. Member's tone of justification of the offences that had been committed, especially of the offence of machine-breaking, which, even if it were admitted that the machines threw labourers out of employment, could not admit even of palliation, far less of justification, either morally or legally. Nay, the hon. Member had even intimated, that the offenders ought to be treated with lenity, because, notwithstanding the other mischief they had committed, they had refrained from demolishing some mills and water-wheels. It was true, that riotous assemblages had proceeded to farmers' houses, and said to them, "Comply with our demands, perform all that we require, and then we will spare your life;" and because persons who had held this language had kept their promise, and refrained from shedding blood, the hon. Member appeared inclined to make a merit of it, and had represented them as objects at least deserving of mercy, and almost of praise. He would not follow the hon. Member through all his peregrinations in the country, and much less through all the wanderings of the oration he had made. Allow him, however, to say, that the hon. Member had that night told them quite enough of his proceedings in the country to justify, in part at least, what had been said of him. Let them take, for instance, the hon. Member's own account of the part he took in the tumult at Overton. The hon. Member had told them, that the farmers came to him, and said "Go to the people and do what you like, for we are afraid of our lives." The hon. Member said, that upon this he did go to the people, and then, upon his own showing, he became the guarantee of what every body ought to have known was an illegal agreement. The hon. Member having seen that the men were sure of having their wages raised, did then, but not till then, exhort them to abstain

from the commission of violence. Surely the hon. Member did not mean to say that such a state of things could or ought to be tolerated; or that it was consistent with the welfare of society, with the security of property, or with the preservation of liberty, order, and government, to allow such proceedings to go unpunished. He now came to another point, on which the hon. Member had touched, and which was one of a more serious nature. In the course of his very miscellaneous oration, the hon. Member had thought proper to attack some of the Judges of the land. Now, in approaching this topic, he begged to protest, at the very outset against that House being turned either into a court of appeal from the decision of the Judges of the land, or into a place of interference with the free exercise of the prerogatives of the Crown; and, contenting himself with this protest, he might and would refuse to say one word upon this part of the hon. Member's speech, confident that the refusal would meet with the concurrence and approbation of the House; but he knew that it would be displeasing to the learned Judge who tried the case in question if all the circumstances connected with it were not thrown open to the fullest investigation, and therefore only would he condescend to reply to this part of the hon. Member's statement. The case alluded to was that of "the King against Isaac Looker," and it was tried by Mr. Justice Alderson. In point of fact, the actual charges against the prisoner were three in number. He was charged with having sent three threatening letters to the prosecutors of three of his nephews who had been prosecuted for machine-breaking. The case of the prisoner, so far as it depended upon the handwriting, stood thus:—four persons swore that the letter was in the handwriting of the prisoner, but nine witnesses gave evidence that the handwriting was not his. The learned Judge, in summing up the evidence, particularized the means which each witness had of judging of this matter, and in doing so, pointed out that one of the witnesses for the defence had not seen the prisoner write for four years; that two of them were themselves unable to write; that two of them had had no other means of seeing him write but by peeping over his shoulder; that two others had not seen him write for several years; and that others had contradicted themselves. This,

however, was not all; the case did not entirely depend upon the proof of the prisoner's handwriting. As he had before observed, there were three of these threatening letters. Now, in the prisoner's desk, to which it was sworn that no person but the prisoner had access, there was a quarter of a sheet of paper, which, when joined with the pieces of paper on which the letters were written, formed one complete sheet of paper. The attention of the jury was directed to all these circumstances: the learned Judge told them to consider them carefully, and then left them to come to their own decision. Such was the nature of the case, and, for his own part, he had no hesitation in saying, that upon the evidence before the jury the verdict was right. Circumstances, it was true, afterwards transpired which materially altered the case; but these, although they were deemed of sufficient weight to justify the pardon of the prisoner, were wholly unknown to the Judge and the Jury at the trial. The mention of these circumstances brought him to the conduct of the younger Looker,—the much-injured, the cruelly-treated youth, whom the hon. member for Preston thought deserving of a statue and a crown of evergreens. Now, what had been the conduct of this paragon of filial piety? Why, he actually stood by during the trial of his father for an offence which was punishable with transportation for life: and, when a verdict of guilty was pronounced, but not till then, he came forward and confessed that he himself was the criminal. Virtuous youth! pious son! whom the hon. member for Preston thought that the ancients would have crowned with evergreens, and for whose filial piety, too, according to the same hon. Member, the worthies of Greece and Rome would have raised to him a statue. But the younger Looker was not only a pattern for all sons to come,—he was accomplished, too, as the House would see by the following letter, which he admitted that he wrote to a farmer named Woodman:—"Mr. Woodman, if you goes to swear against any man in prison, you shall have your farm burnt down to ground, and your bloody head and guts cut out." Now, he must put it to the House whether this person, notwithstanding the eulogium which the hon. member for Preston had pronounced upon him, was a fit object for mercy? or whether, rather, in the event

of a general amnesty being granted, he ought not to be made a special exception? But he would not pursue this subject any farther, being convinced that the House took a very different view of the merits of this young man from that which the hon. member for Preston had taken; who had told them, that he had every reason to believe that a representation which he forwarded to the Home-office had the effect of saving the life of the prisoner Lush. Now he was sorry to inform the hon. Member, that in this he was wrong, and that his representation had had no such effect. Lush was spared, because it was satisfactorily made out to the Government, that he had, on several occasions, interfered to prevent personal violence. He thought it quite unnecessary, in order to defeat a motion which he felt assured the House would almost unanimously reject, to notice any of the other topics upon which the hon. Member had dwelt. The simple question was this,—were they to call back those who were now on their way to another country, and restore them once more to the scenes upon which they had committed the outrages that had drawn upon them the punishments assigned by the law? Were they to replace them in situations in which, the broken machines and their other works of devastation once more meeting their view, would be so many incitements to the renewal of their old offences and to the commission of new ones? Were they to bring them again among the Magistrates who had committed them, among the persons who had prosecuted them, and among the witnesses who had given evidence against them? Were they to deal thus with men whose unruly and turbulent spirits, exasperated, as they would doubtless have been, by the proceedings that had been taken against them, would see only in the vote of this House for an amnesty a condemnation of the sentence that had been pronounced upon them, and who, thus encouraged and thus justified, would carry tumult, and riot, and destruction, into every village they approached? But he felt that he had already trespassed at unnecessary length upon the time of the House, and he would detain them no farther. Allow him, however, in conclusion, and with reference to what had fallen from the hon. member for Preston, who had said that he was not afraid to meet mobs, to express a hope, now that the hon. Member had found

his way into Parliament, that he would not accustom himself to meet mobs any longer, but would confine his oratory to that House, in which he would always find a better audience, and where he would always be more silently heard than by any mob to which he ever had yet addressed or ever could address himself.

Mr. *Benett* said, although he had every disposition to treat the hon. member for Preston, as a Member of that House, with respect, yet he could not help saying, that he had just grounds of complaint against that hon. Member. His complaint was, that the hon. Member had not stated in that House all the circumstances which he thought proper to state elsewhere. The hon. Member was reported to have told the people who met him on his arrival in London, that the member for Wiltshire, meaning him, (Mr. *Benett*) had acted as the Magistrate who committed prisoners, as foreman of the jury, as prosecutor, and as witness; that he had done all he could to get men hanged, and that he had been guilty of a great many other acts which, if truly charged against him, would indeed have justified all the hon. member for Preston had said against him. Why had not the hon. Member, if he believed these charges, made them in that House, where they might have been met? and if the hon. Member did not believe them, why had he made them at all? The hon. Member, too, had not rightly stated a conversation which took place between them last night. The hon. Member had asked him if, at a particular time, and in a particular place, he had said, "This is the work of Cobbett and Hunt;" and he replied, that he had not. "But," continued the hon. Member, "at the same time I told the hon. member for Preston, that I had repeatedly said, and would say again, that I thought that the people of the district in which I live had been excited by the writings of Mr. Cobbett, and by the speeches of Mr. Hunt, to the commission of those offences for which they are now suffering." He would now state the case as it regarded him. He would not have obtruded it upon the House, but that he was compelled to do so by the speech of the hon. member for Preston. He had information communicated to him that great excitement prevailed in the part of the county in which he resided; that there had been nightly meetings in various places; that the people assembled with flags flying, and horns

blowing, and, for these reasons, he was asked to come home. Immediately, he got a friend to apply to the House for leave of absence, which he obtained, and went home. On the first morning of his arrival, at half past seven o'clock, when he had not been in bed two hours, his bailiff awoke him, and informed him, that the people of several parishes were assembled together in the village; their avowed object was, first, to destroy a manufactory at Fonthill, and afterwards to come and destroy his machines. Immediately he got up, and having written to a brother Magistrate to come to his assistance, who, however, being engaged elsewhere, did not come, he mounted his horse and rode out. He called upon the neighbouring farmers, and asked them to get upon their horses and accompany him; but they refused, saying that they and he would be murdered if they did. He went on, and about ten o'clock came up with the mob, which consisted of about 500, headed by two men who were armed with large sticks, and wore sashes. One of these men told him that they intended to break all the thrashing-machines, and to have 2s. a day for wages. He remonstrated with them; told them to what their conduct would lead; and explained to them the King's proclamation, which he had in his pocket, but which they would not allow him to read. He told them that he would make them no promises while they were armed, except only this,—that if they would go home quietly, and it should turn out that any thing was ultimately gained in any part of the country by rioting, he would do his best to procure for them the same. They replied, "Ah, you have come from London to put us down, but you see we are beforehand with you." In a letter to his bailiff, which the bailiff had confidentially shown to another person, who betrayed the contents of it, he had said, that he was coming from London, and that he had no doubt he should find the means of putting down the rioters. Some of the mob said, (he was very sorry to be obliged to repeat it, but he could assure the House it was said,) "We are Hunt's men, not yours." They told him, that they would not hurt a hair of his head, but that they would break his machines. He replied, that if they attempted to do so, he would make all the resistance in his power. He followed the mob, and was among them at various places; but his only object in doing so was

to prevail upon them to separate and return to their homes, and to abstain from the destruction of property. He had been accused, however, of having followed the mob for no other purpose than to be able to give evidence against them. He was quite sure that it was not necessary for him, in that House, to deny that he was actuated by any such unworthy motive. He then followed the mob to his own house, to which they proceeded. He told them there to go about their business. He told them that no opposition would be made to them by force—that he would himself oppose them singly. He further promised them that no trick would be played upon them; that there would be no firing of pistols or guns upon them; but he distinctly told them at the same time, that they would be punished for what they were doing. They then went into his farm-yard to break his machinery. He in the meanwhile sat quietly upon his horse, and continued so for about ten minutes, when he was suddenly hit with a stone on his head, and knocked perfectly senseless. When he recovered, he found himself at a short distance from his farm-yard, entangled amongst a team of his own carts. He then drew a pistol from his pocket, which he had not before used, and imagining that his skull was fractured, which he submitted to the House was but natural for a man under such circumstances, he said to the mob—“If you throw another stone, I will fire.” He then went to his own house which was barricadoed as well as it could be, and four or five men were inside prepared with fire-arms. The mob then tossed up a halfpenny to decide whether they should proceed to attack his house, or go to break a large water-machine belonging to him, and which was distant about half a mile. It was by the tossing up of a halfpenny that the mob decided to go and break the machine he had mentioned, instead of proceeding to make an attack upon his house. It should be recollected that he had no military force near him to afford him assistance—he had sent to Salisbury for a troop of cavalry, but as he could not possibly get it in time, he was obliged to depend on his own resources. On returning to his house after the injury he received, he retired to bed. Shortly afterwards Colonel Wyndham, the member for Salisbury, rode up to his door and asked him, if he was alive? He replied—“Yes,”

—Colonel Wyndham then asked him, whether he was able to get up; and on his replying in the affirmative, Colonel Wyndham informed him that the mob were engaged in breaking his machine. He accordingly got on horseback, and proceeded with Colonel Wyndham and the troop, to the place where the mob was assembled; and here he had to correct a mis-statement with regard to this transaction, which had been made by the hon. member for Preston. That hon. Member had said, that they had met the mob in a narrow lane, and that they attacked them with violence, injuring and wounding many of them, &c. Now, the real facts were these: the mob, at the time, had quietly finished the breaking of the machine, and they had then stationed themselves in an adjoining wood, from which this lane proceeded. They gave three cheers of defiance on seeing the troops advance. At his (Mr. Benett's) suggestion, the Colonel commanding the troop divided it into two parties. One division was stationed at the narrow lane he had mentioned, in order that the mob might not escape that way, and the other troop was sent to act at another side of the plantation. He (Mr. Benett) headed a division of twenty men only, while the mob to which he was opposed amounted to 500 or 600, and was armed with hatchets, pickaxes, sticks, and an immense multitude of stones. The mob defied them,—came out upon them,—charged them, and threw stones at them, by which many of the men and the horses were hurt. He (Mr. Benett) endeavoured to read the Riot Act, which he had brought in his pocket, but no time was allowed him to do so, for he was struck with a stone while he was attempting to read it. His troop then charged the mob, and dispersed them effectually, without wounding any of them. He then withdrew the troop about 400 yards from the wood; but what did the mob do? Though they might have all escaped through a large wood, of more than forty acres in extent, they formed regularly in the wood, after having been thus dispersed, and advancing with front and rear ranks, they proceeded to attack the troop with a multitude of stones. He advanced as closely to them as he could, and he told them that if they continued to throw stones, the troop would be ordered to fire upon them. The throwing of the stones being however continued, the Captain who

commanded the troop rode up to him (Mr. Benett) and asked him whether they should fire or not. His reply was—"For God's sake do not, if you can help it; but we must, at all events, beat them." He was now stating the real facts as they occurred; and he was satisfied that the House would believe what he had just stated to it. The mob still continued throwing stones at the troop, and flinging hatchets, sticks, and other offensive weapons, at them. The commanding Officer then said, that he must charge the mob. He accordingly did charge them, beat them, and dispersed them. The fight altogether lasted for half-an-hour; and with forty-four men, which was the total amount of the Yeomanry force, they beat and dispersed this mob of 500 or 600 individuals, armed in the manner he had already described. He lamented, as much as the hon. member for Preston possibly could, that any men were injured on that occasion. One man he was sorry to say, was killed. He did not see him killed; but he understood that he was killed in a field in which there was a general fight. It was stated at the Coroner's inquest, that one of the Yeomanry having got entangled with three or four men, who were all attacking him at once, he drew his pistol and shot one of them on the spot. This he could state, that the Coroner having afterwards come to him, and asked leave to see the cartouche-boxes of the Yeomanry, in order that he might ascertain the size of the balls which were used, he took him into the room in which they were deposited. The Coroner examined them, and found them of various sizes, for at Salisbury the men had been obliged to make their own cartouche boxes, in consequence of not having been supplied with them by Government. He (Mr. Benett) carefully abstained from having any conversation with the Coroner in reference to the transaction. The Coroner asked him if he might be allowed to go and see the place where the affair had occurred, and he told him he might go if he pleased. The Coroner afterwards told him, that after the verdict, three persons came to him and offered to perjure themselves, and that they pretended to show the field in which the man was killed, which was a totally different one from that in which the occurrence took place. The Coroner added, that he never witnessed before so much perjury. The hon. member

for Preston stated, that the men who were taken prisoners were carried off to Salisbury. There were twenty-nine men taken prisoners; they were put into waggons before dusk, and the troop went with them to Salisbury, which was seventeen miles distant, that night. It was well that they were brought off with such promptitude, for it had been determined to attempt a rescue, at a particular spot, in a wood which lay in the road to Salisbury; but by the measures which were taken, that object was defeated. The hon. Member said, that they were not comfortably conveyed in the waggons, and that they were refused all kinds of refreshment on the road. He did not know whether or not any of them called for refreshments on the journey, nor was he aware whether or not they got any refreshments; but this he knew, that the officer who commanded the troop which conveyed them to Salisbury, did not himself take any refreshment the whole of that day, nor until one o'clock the next morning, when he returned with his troop to his (Mr. Benett's) house; and furthermore, he (Mr. Benett) was sure, that if that officer permitted any one of his troop to take refreshments on the road, he would not allow any of the prisoners who might ask for refreshments to go without them. The hon. member for Preston had asserted that he (Mr. Benett) was the Magistrate who committed these prisoners for trial. They were not committed at all for trial in the first instance. They were sent to Salisbury gaol. As soon as his own wounds permitted, which was in four or five days, he attended at Salisbury, where the Magistrates proceeded to the investigation of the cases. He there pleaded in behalf of many of the men, whose characters he had in the interval ascertained. Lord Radnor was on that occasion on the bench, and he could assure the House that he had entreated the Magistrates to let off, upon their own bail, those amongst the prisoners who could get no other bail. In consequence of his application, and of their previous good characters, twenty-one of the prisoners were let out on their own bail. The next charge preferred against him by the hon. member for Preston was, that he (Mr. Benett) sat afterwards as the foreman of that Grand Jury which found the bills of indictment against those men. He was, certainly, foreman of the Grand Jury, but he applied to the Court, in the first instance, to allow him to decline

being on the panel, as he should have to appear as prosecutor in some of the cases which were to come before them. The reply of the Court was—"You must act as foreman in the Grand Jury, Mr. Benett; but you will know what course it will be proper for you to take when your own cases come before the Grand Jury." He accordingly sat as foreman upon that Grand Jury, but he did not sit upon it while his own cases were before it. During the first days, while his own cases were before the Grand Jury, he never entered the Grand Jury-room as the foreman; he only attended there as a witness for the prosecution. There was another untrue charge which had been preferred against him, and which had gone the round of the newspapers as yet uncontradicted, for he had not till then been afforded an opportunity of contradicting that charge, false as it was, and easily as he could refute all that had been stated that night by the hon. member for Preston. The charge was, that he had given evidence to hang those men. Now the fact was, that he gave evidence only as to the riot generally; he gave no evidence against any particular prisoner as to the crimes which he had committed, and he gave no evidence to hang any man. He objected as much as the hon. member for Preston could, to hanging men at all, except in extraordinary cases, and for extraordinary crimes. So much did he object to it, that in one case where he was told that if he prosecuted two men, so strong was the evidence against them as to their taking up the stones and flinging them, that when it was brought forward it would certainly hang them, he refused, contrary to the opinion of his friends, to prosecute them. He obtained leave from the Attorney General not to prosecute in that case against his own will. He therefore did not prosecute those two men, because they would most probably have been hanged; and he also declined to prosecute another man, lest he should be hanged. On such grounds he gave no evidence against those men that would endanger their lives. They were prosecuted by other persons, who gave evidence against them as to machine-breaking, and he merely identified the two men, as having been with the rioters, and as having taken an active part in their proceedings. The hon. member for Preston had stated, that he was Chairman of the Wiltshire Quarter Sessions, and that he

had established in his own parish a rate, or regulation, for the relief of the poor. Now, in the first place, he (Mr. Benett) was not Chairman of the Quarter Sessions of Wiltshire, and he was not the person who had established the regulation alluded to for the relief of the poor. The fact was, that it had been established by the Magistrates in that district twenty-five years ago; and during the thirty-two years that he had been acting as Magistrate in that county, he had not, since the establishment of that regulation, had twenty complaints against it laid before him, up to the time when the riots took place. He was always desirous of dealing candidly and openly with all persons, and he was not the man to say that behind any person's back, which he would not be ready to say before his face. He meant to say nothing of the parish overseer, to whom he was about to allude, but whose name he should not state as it was not necessary, that he had not already said to that overseer himself. He told that overseer, that he and an uncle of his, who was the tenant of a large farm, had been the principal instigators of the whole of those proceedings; and had been the principal causes of the whole riot. He told him that in his own private room; and though he had nothing to bring forward to affect that overseer seriously, yet he was convinced that he had been the instigator of the riots; and that he and two or three individuals connected with him were to blame for all the mischief. The overseer replied, that he had had nothing to do with them. He (Mr. Benett) then asked him whether the peasantry were not better off now than they had been fifteen years ago? The overseer said, that he was not old enough to speak as to their condition for the last fifteen years; but he could assert, that for the last six years, the peasantry had not been so well off as they were at the present moment. What was it that the overseer did in the parish in which he resided, which was a very large parish, and which had been the nucleus of the riots? In church he gave the following notice, without consulting the parishioners on the subject, a copy of which he had in his pocket:—"On Thursday next a vestry meeting will be held in this church, for the purpose of raising the parochial relief of the poor, and the wages of the labourers." That was the notice which he sent all over the

parish. He told the labourers not to go to work on that day, but to go to the vestry. He first went to his (Mr. Benett's) bailiff, and gave him such a notification, and afterwards he went amongst his labourers, and said to them, that all the men who wished to stand up for their rights should go to the vestry, and that they should go there in the morning, he (the overseer) knowing that the riot was to take place at ten o'clock in the morning. He knew that such was to be the case, for he was connected with the meeting which took place the night before, at which it was settled. It was determined that they should come as it were to a vestry, and that, when assembled, the riot should take place. What did the overseer do? When the labourers came to the vestry, the chapel was locked up but he told them that there was no vestry there, but that it was to be held in his own room. The going to the vestry in the morning, instead of the afternoon, meant the riot, and nothing else. It was well known in the district, on the Tuesday before, that a riot was to take place; that was known to every one but to himself. He was in London, and hearing of it, he went down to put a stop to it. But that it was intended, was known for several days previously in the neighbourhood. So much was that the case, that his friends wanted him to stop in Salisbury. It was expected for two days previous to the riot, that his house would be tumbled down, and intimidation was given to his family to leave it. It was a curious fact, that most of the riots in Wiltshire took place upon the sameday. Nine-tenths of the riots in that county occurred upon the 25th of November, and the whole of them took place from the 23rd to the 26th of that month. The hon. member for Preston stated, that when he went to Hindon, the wives of the unfortunate men who were sentenced to transportation crowded around him in tears. It unfortunately happened that from Hindon only one man was sentenced to transportation. [Mr. Hunt.—I spoke in that instance of what took place at Aylesbury.] He knew nothing of what had taken place there. With respect to the general character of the rioters, the hon. member for Preston had said, that severe distress had driven the peasantry to riot. Now the fact was, that he (Mr. Benett) refrained from prosecuting several men who could have been convicted of rioting, on account

of their previous good characters. There were several men whom he had not taken up on that account, though the evidence was strong against them. They of course selected the worst characters for prosecution. The hon. Member had selected the names of John Barrett and William Sangers, out of the seventeen whom he (Mr. Benett) had prosecuted. The whole seventeen were convicted; and out of that number the hon. Member was only able to select two who were at the time working for the parish. What was the character of those two men? Did the hon. Member inquire of the overseer, to whom he had alluded, as to their character? That overseer stated, on his oath in Court, that the said John Barrett was a man of good character, and that he had always been an honest man. On his cross-examination he said, that he had known him all his life, and that he had never heard of any dishonesty of his. Now the fact was, that at this very time this overseer knew that this man had been formerly tried at Salisbury for housebreaking, and that his brother had been transported; and that only a week before this occurrence this same John Barrett had been convicted at Hindon of cutting trees. He was then fined 2s. for the offence, and 2s. expenses, which were paid by this very overseer out of his own pocket. If he (Mr. Benett) had been aware of that fact at the time he gave such evidence, he should have had a bill of indictment preferred against this overseer for perjury. Sanger, the other prisoner, was a man who had been convicted several years before, when in his (Mr. Benett's) service, of an act of dishonesty against him. When he discharged him, he procured him a situation as gardener. While in that situation, this man committed an act of felony, but he subsequently got him another place as gardener with his son-in-law. He there committed another offence, for which he was dismissed, and he was then sent to the roads. One of the prisoners who was convicted, a man of the name of Moldhatch, was a rather rich cattle-dealer; for he had paid 100*l.* a few days before the riot, for cattle. There was another rather rich man amongst the prisoners; he was a stone-mason. He had 170*l.* in the Salisbury Savings bank, and he produced 20*l.* at the trial to pay his counsel. There was not a single pauper upon the list which he

selected for prosecution. There was amongst them a blacksmith, who worked for his father. The hon. member for Preston said, that the men who broke the thrashing-machines did not break the mills. The rioters broke on his (Mr. Benett's) premises, every thing they met which had a semblance to machinery. He must say, that he was sorry to see amongst the rioters a number of good and loyal men, who had previously borne good characters, and to whose good characters he had himself given his testimony in that House but a few days before, on the occasion of presenting petitions from some of them. He had given the best characters to some of those men only a few days before they attacked him, and he did not think it possible for any agitators to instigate them to make such an attack. The very week that he gave a good character in that House to those men in the county of Wilts, Mr. Cobbett expressed himself to this effect—"Ah! Mr. Benett, you know little of the county of Wilts, you will not see the peasantry peaceable there many days." He had certainly spoken of their peaceable disposition ten days previous to those riots, and they were peaceable when he described them as such. He told the hon. member for Preston that he attributed much of the agitation which occurred, to the writings of Mr. Cobbett. He should deal candidly with the hon. Member. He was glad to see the hon. Member in that House; he might do much good there, and he could do but little mischief. He trusted, that the hon. Member would apply his talents—and he had great talents—to effect some good for the country in that House. He had told the hon. Member candidly to his face last night, that much of the mischief that occurred was attributable to the writings of Cobbett and the speeches of Hunt. Such was the statement that was to be heard in every quarter in the country. In every place you heard such statements as these:—"Hunt was at Salisbury, and made a speech, and therefore there has been a riot there." "Hunt was at Hindon yesterday, and there has been consequently a riot." "Hunt went down to such another place last night in the mail, and you may be certain we shall have a riot." He (Mr. Benett) never had told the mob, in his address to them, that Mr. Hunt had encouraged them to the riot.

From the information he (Mr. Benett) had received at Salisbury, he could state, that the yeomanry did not act there in the manner described by the hon. Member. They dispersed the mob most effectually. With regard to what the hon. Member had said as to the treatment of the prisoners in the gaol of Salisbury, he (Mr. Benett) could state, that that gaol was under the superintendence of a committee of management, at the head of which was Lord Radnor, and a more humane man did not exist, than his Lordship. He knew, that Lord Radnor and his brother Magistrates bestowed the greatest attention on the proper management of that gaol. He (Mr. Benett) knew, that during the imprisonment of those men, his Lordship and Mr. Estcourt, the Chairman of the Quarter Sessions for Devizes, visited that gaol on a Sunday, to see that the prisoners there were taken proper care of. If they had experienced any ill-treatment, and he was not aware that such had been the case, it was not owing to the want of vigilance on the part of the Magistrates, but must have been occasioned by necessity. Of the men who had been engaged in the unfortunate affray in his (Mr. Benett's) neighbourhood, though many had been wounded, only one, as he had stated, had been killed. That was owing to the good sense and humanity of the brave officer who commanded the troops. They were directed to strike principally side-blows, so as to wound the mob in the arms, but not to aim at the head, where the blows might be mortal. The result was, that one man was shot dead, while some were cut on the head, several were wounded severely in their right arms, had their fingers cut off, &c.; but all of those recovered. The surgeon of the gaol told him, that he never saw men recover so rapidly in his life. The charge against the farmers, that they were guilty of exciting the mob, was not well founded. The farmers were often acted upon by fear, and their thrashing machines were taken down, because, leaving them standing, exposed the owners to outrage and their property to conflagration. He had acted as a Magistrate, and much evidence had been heard before him, and he had always refused to allow any prosecution for attacking a machine which had been previously taken down by the farmer, because this had been construed by the poor into a tacit consent that the machine might be broken. The farmers in his

neighbourhood, he supposed, might be taken as a specimen of the farmers all over the kingdom, and they had certainly acted under the influence of terror. The yeomanry of his neighbourhood, who had acted so gallantly, might likewise be taken as a specimen of the yeomanry all over the kingdom; and it was in vain to suppose that all good feelings had left these people, although some improper feelings might have existed in a few places for a short time. He believed, that if nothing were done to excite the people, there would be no further burnings. In the districts where he had acted as a Magistrate, the people had come forward to say to him they were not the burners, and he had felt satisfied that the fires had been kindled by persons coming from a distance. Strangers were seen, of a suspicious character, mounted upon good horses; and if attempts were made to stop them, they produced pistols in their defence, and contrived to escape. He was convinced that the burnings were not the act of the labourers, for since the conviction of certain culprits, labourers had in revenge, or from motives of malice, set fire to property, and they had all been taken; and so unskilful were they in the crime, that they well knew that they would be taken again and again if they went on in the same course. There were no longer any riots in the west, and men had returned to their peaceable occupations. They had got nothing there by their conduct, except the experience which would make them cautious how they trusted to bad advisers in future. He had no revengeful feelings, and he would have got every man off if he could have done so consistently with the peace of the county; and several of those who had been implicated in the disturbances he had since taken into his service, because they had come to him seeking steady employment, and expressing their determination to defend him and his property. He repeated, that if there were no further excitement, there would be no future riots; and there could be no excitement, unless it were most artfully managed. He hoped that the hon. member for Preston would not think that in the course of his reply he had been at all personal to him. In vindicating himself he had only done his duty, and it remained for the House to judge between them. It must be recollected, however, that the hon. member for Preston had called for

no evidence, and that his attack was merely verbal, and that he therefore placed the House in the awkward position of coming to a decision without any adequate grounds of determination.

Mr. *J. Smith* thought it material that some of the allegations of the hon. member for Preston ought not to pass without contradiction. As respected Sussex—he was sorry to say, that in the part of that county in which he lived, the sentiment which for a time prevailed was of no other than a revolutionary nature. Although charity was there extended to the distressed part of the labourers in the most plentiful manner, and the humanity of the gentry was no where more extended, yet those labourers went about in large bodies, demanding money in a hostile manner from every person from whom they could expect to extort it. A mob of 180 persons collected at his house, demanding “bread or blood.” The greater part of them were intoxicated, but they said, that they and their children were starving. The larger part of that mob consisted, not of agricultural labourers, but of smugglers from the small villages upon the coast of Sussex, whom the vigilance of the Government prevented from carrying on their trade. Now, of all those persons, one alone had been selected for punishment. He was a man in good circumstances, but of a very bad character. He was sentenced to transportation for fourteen years, and there was not one person in the neighbourhood that was not rejoiced at his removal from it. A noble Duke, residing near Chichester, had rendered great assistance in the suppression of these riots, and had taken pains that persons only who were of the worst description should be selected for punishment. The one he had mentioned sent his mother to solicit his (Mr. Smith’s) interference to obtain a commutation of his sentence to seven years’ transportation, instead of fourteen; but as the man had been long the terror of the neighbourhood, he could not interfere. He could assure his hon. friend (the member for Wiltshire), that the conduct of the labourers was as bad in some other parts of the country. He was sure that the clemency of some Magistrates had been at least ill-timed, and that severity was necessary. He quite agreed, however, with the hon. member for Preston, that the poor in the western parts of the kingdom were in a deplorably bad condition. That he knew from his own observation, and he trusted that the Govern-

ment would take that condition into consideration, for the purpose of devising means to improve it. Although he did not agree with all the plans of his right hon. friend (Mr. W. Horton), now not in the House, he was sorry that the country was not to have his assistance upon that subject, as he was recently appointed to a distant government. Although he objected to many important points in his right hon. friend's plan, yet he believed that in part it was calculated to relieve the country, and he regretted that that gentleman was not to have an opportunity of again bringing it forward. There were many parts of Kent and Sussex in which no employment was to be found for the population. He feared, that until some means were devised for relieving those parishes of the unemployed portion of the population, there would always be some danger of tumultuous proceedings being renewed from time to time. He did not think it desirable that the House should interfere with the punishment of those individuals. Not one had suffered who did not deserve his punishment. He eulogised the conduct of the right hon. Baronet who was lately at the head of the Administration of Justice in this country, and he trusted that the noble Lord, now presiding over the same department, would merit the same eulogy. He considered that that House was the last body of individuals in the country who ought to interfere with the Administration of Justice. He was glad that the tumultuous spirit had been put down by the strong arm of the law, by which alone it could have been suppressed. He was sure the Commissions had intimidated the riotous portion of the peasantry. He wished to state one fact before he should sit down; the part of the county of Sussex in which the labouring population was in the most deplorable condition, had been free from outrage during the late disturbances.

Sir *Joseph Yorke* said, that the House might rest thoroughly satisfied that he had no intention of taking up more than a very few moments of its time. After the two hours' speech of the hon. member for Preston, and the two hours' speech of the hon. member for the county of Wilts, who said, he was determined, to have word for word, argument for argument, and defence for every attack, he was not going to trouble the House at any length. The fact was, that there were three parties con-

cerned in this most important debate. First, there was the hon. member for Preston; next, the hon. member for Wiltshire; and lastly, the Government; and it was for the Government itself that he now stood up and called upon the members for Preston and Wilts to defend their parts of the case. The question was, whether the House of Commons ought to take upon itself to advise Government, when criminals were convicted of offences, whether they should or should not be punished, by way of a salutary and necessary example to others. If on one side persons addressed the Crown to exercise this excess of mercy, the consequences would be, a necessity of addresses upon the other side, and thus the whole scale and order of society would be altered. He did not see why the destruction of machinery should be considered so venial an offence, and if the hon. Member's blacking manufactory were destroyed, he doubted much if the hon. Member would be so zealous to white-wash the culprits. He presumed that it was the intention of Government to meet the question by a decided negative or affirmative, and not to get rid of it by the previous question, or by any mincing matter, for it now came to the point whether the Constitution of the country was or was not to be defended from the different attacks which were made against it. Whether there was to be a reform or no reform, he trusted that that House would ever be found ready to do its duty to the Government and to the country, and particularly upon cases of emergency like the present. If there was any sense in the Members of that House, if there was any sense in resisting the destruction of this beautiful land, (and an endeavour to palliate the violent destruction of the machinery of science and of manufactures, to palliate acts that were equivalent to a revolution and a rebellion, could be held up in no other light), the House would unanimously resist the present Motion as most ill-timed and inexpedient. Whether the destroyers of machinery were acted upon by other men, he would not take upon himself to say, or at least he would not mention names, but the hon. member for Preston's name certainly came on all these occasions most inconveniently uppermost; for in Hampshire, the rioter Cooper took upon himself the name and title of Captain Hunt, and on his white horse rode forth like another Wellington. The hon. member for Preston first set himself up as the Represent-

ative of the unrepresented, and which, according to him, consisted of no small number. He always addressed the multitude (he must not say mob) so as to make them believe he was a great labourer in redressing wrongs; he was a radical reformer from clue to earring, as sailors would say, or from the monarch to the peasant; and further, that he had all holiness in the holy seat to which it had pleased God to call him, and that he had been suffering for righteousness' sake, in some places which he (Sir Joseph Yorke) should have thought inconvenient, even had he been sent there for the good of the country. The hon. Member was a person of grace, a well-looking man, one of excellent capacity and great parts, and consequently entitled to the respect of that House; but one of the pieces of advice which he would give him was, not to make long speeches, nor to speak upon all subjects. His speeches should be concentrated, without verbosity, seldom delivered, and only at those times and in those places where people could understand them. He hoped that the hon. Member would take the advice in good part. Other hon. Members had complimented him, but he did not mean to compliment when he said (and he had no interest on the point except a bet of 5s.) that very shortly he expected to see the hon. member for Preston shaking hands cordially with the aristocracy, and becoming one of the forty-five high Tory party, led by the gallant General, the member for Liverpool.

Lord Morpeth said, that he could not accuse himself of having in his inclinations anything which disposed him to cruelty, or to severity, but at the same time he could not help saying, that humanity itself, carried to the extent which the hon. member for Preston contemplated, became, if not a spurious, at least a mistaken humanity. He should leave the details of the trials to those who, like the Under Secretary of State, or the hon. member for Wiltshire, had a local knowledge of the cases, but it was admitted by all who had paid any attention to the proceedings, that there had been by no means a uniform and indiscriminate system of punishment adopted by Government. All pains had been taken by the Judges to sift accurately the nature and circumstances of each separate offence, and to apportion the penalties. One case had been cited by the hon. member for Preston, but it

had been sufficiently answered already, and he (Lord Morpeth) could not, like the member for Preston, consider a man worthy to be crowned with evergreen chaplets, and as above all Greek and Roman heroes, for doing that which, if he had not done, men must have shrunk from him as a monster and parricide. The Motion was, to apply a general and unconditional amnesty to all offences which had been tried under the late Commission, and this without the House having any evidence before it of the cases, without the sanction of the Judges, or any knowledge of what further indulgence circumstances might induce the Government to grant. He was not unwilling that the voice of Parliament should be raised to enforce the loveliness of mercy, but the effect of the present Motion would be to make a mockery of justice, and to sweep away all distinctions between right and wrong. The House was not, in the warmth of an amiable but mis-judging tenderness, to forget what was due to the innocent and industrious, and peaceable, and unprotected, who looked up to the law for security and protection. He was afraid that in a few districts conflagrations had not entirely ceased, and men could not lie down on their pillows without the fear of waking to witness the fruits of their labours, and the means of subsistence, destroyed. If the conflagrations proceeded, they must evidently affect the price of corn, and all obstructions to a supply of grain in the market must press heavily on the consumer. He was not prepared to maintain that there might not occur a time to inquire into distresses, and get at the root of the disturbances, but certainly the present was not the time to proclaim a general and unconditional amnesty for evils so contagious and mischievous.

*“Quin age, et ipse manu felices erue silvas,
Fer stabulis inimicum ignem, atque interfice
messes:*

Ure sata, et validam in vites molire bipennem.”

Humanity might temper, but must not supersede the course of justice; she might make allowance for error, but she must not ask impunity for outrage; and when she degraded herself by feeding a courtly sentimentality, or by courting a popular clamour, she ceased to be what within her own just limits she always must be, the brightest prerogative of earthly rulers, and the closest link which unites man with his Maker. He

thought the interference of the House would be improper, and he should certainly vote against the Motion.

Mr. *Long Wellesley* thought, that if there were any one point more clear than another, it was, that the present question ought not to come before the House in the shape in which it had been brought forward by the hon. member for Preston; for it had been clearly laid down by all constitutional writers, that the House of Commons ought not to be made a Court for the administration of justice. The House was not in possession of the details of the cases, and it could not determine between the different statements of the members for Preston and Wiltshire, though, as far as he could form his judgment upon what had passed, he decidedly thought that the member for Preston had been labouring under a delusion. Under the circumstances in which the House was placed with reference to the great question of Reform, he thought the House ought to take the most special care not to have the appearance of trenching upon one of the greatest prerogatives of the Crown—the brightest gem in the diadem of this country was the attribute of mercy, with which the House ought not to interfere, but upon the most urgent necessity. Of one thing he felt perfectly satisfied, that in cases such as had recently occurred, we ought to place upon the Ministers the whole responsibility of making and keeping the country tranquil, by means which the law and Constitution had already provided, without encouraging them to come to Parliament for extraordinary powers. And he was of opinion, that if there was one part of the conduct of Ministers more worthy of being extolled than any other, it was this—that when insurrections and disorders occurred, they did not pursue the course for which precedent existed, and ask the House to strengthen their hands; but taking the laws of the country as they stood, administered them with clemency and firmness, so as to check the further progress of mischief. Government had adopted a mild and constitutional course, at the same time that it proceeded with the necessary decision and promptitude. He was sure that there did not exist a man in that House, of whatever political opinions, or whatsoever his losses through these disturbances—he was sure, that there was not a man in the country, having any

claim to reputable character—who did not feel deep affliction at the necessity that unfortunately existed for making examples and inflicting extreme punishments; but if there was one course calculated more than another to carry with it desolation, ruin, and destruction, it was that of omitting in circumstances of difficulty to temper mercy with justice. He was satisfied, however, that in all cases in which representations had been made in favour of individual convicts, every proper consideration had been afforded to their claims for mercy. He objected to the motion of the hon. member for Preston, if for no other reason, because it involved an attempt unduly to interfere with the prerogative of the Crown; and though the House generally betrayed an indisposition to hear moral essays, he hoped it would indulge him while he read to it a passage from a popular moral writer, in favour of that influence a great many politicians were in the habit of depreciating. The hon. Member accordingly concluded by reading the following extract from the works of Dr. Paley:

“Whilst the zeal of some men beholds this influence (of the Crown) with a jealousy which nothing but its entire abolition can appease, many wise and virtuous politicians deem a considerable portion of it to be as necessary a part of the British Constitution as any other ingredient in the composition; to be that, indeed, which gives cohesion and solidity to the whole. It is in the nature of power always to press upon the boundaries which confine it. Licentiousness, faction, envy, impatience of control or inferiority; the secret pleasure of mortifying the great, or the hope of dispossessing them; a constant willingness to thwart whatever is dictated or even proposed by another; a disposition common to all bodies of men to extend the claims and authority of their orders; above all, that love of power, and of showing it, which resides more or less in every human breast, and which, in popular assemblies, is inflamed, like every other passion, by communication and encouragement. These motives, added to private designs and resentments, cherished also by popular acclamation, and operating upon the great share of power already possessed by the House of Commons, might induce a majority, or at least a large party of men in that assembly, to unite in endeavouring to draw to themselves the whole government of the State.”

The *Attorney General* wished to apply himself to the particular questions involved in the cases of three individuals convicted at the late Commissions, and which had been referred to by the hon. member for Preston. The first of these cases regarded

a man of the name of Withers, who had been committed to prison for participating in a serious riot that took place in the northern part of one of the disturbed counties (Wiltshire). In the course of this riot a violent attack was made upon the Magistrates and Special Constables who interfered to keep the peace, and the party was sent to prison for his share in the outrage. It appeared to the Counsel for the prosecution, in investigating the case of this individual, that, connected with the riot, there had been acts of direct and serious violence against the Magistrates and constables, who came forward in a very laudable manner, and were acting with great spirit on the occasion, with a view to repress the disturbance. Such being the case, and one of the leading principles of the prosecution being the protection of the local authorities, who required to be backed by all the power of the law, to encourage them in the performance of a difficult and dangerous duty, it was absolutely necessary, in order to give proper confidence, and to induce persons to act with spirit and decision for the maintenance of the public peace, it was necessary to show, that the authorities would be protected. Therefore, when those who conducted the late prosecutions discovered that in this instance an act of most ferocious and brutal violence had been committed, which endangered the life of an individual, who came forward, at considerable risk, to protect the public from outrage—when this was ascertained, it was thought necessary to proceed with severity against the party implicated in the transaction. Thus it was, that, although committed only for a riot, Withers was tried for a capital felony, in maliciously wounding a Magistrate, or rather a person who was attempting to take the rioters into custody. This was the plain state of the case, which appeared somewhat different from that represented by the hon. member for Preston, who, he it observed, was not likely to have derived his information on the subject from the most disinterested sources; and, as far as he (the Attorney General) knew of the case, he could say, he believed that all the circumstances stated by the hon. Gentleman, and doubtless so represented to him, were not well founded in point of fact. It was said, that the prosecutor had a whip, and used it against the mob without provocation. But how did the case stand? Mr. Basker-

ville, a Magistrate, was present, and Mr. Codrington, the party assaulted, was acting as a special constable—these individuals were surrounded by a multitude of riotous persons, having dangerous weapons, and acting with considerable violence, and if, under such circumstances, Mr. Codrington exercised his whip in keeping off the mob, he only did what was perfectly justifiable and necessary for self-defence. A sledge-hammer was thrown at the prosecutor by Withers, with great violence, and that not once, but twice; the first time it missed Mr. Codrington, but the second time it struck him from his horse, and forced him, bleeding and insensible, against a wall. These were the circumstances of the case of Withers, and surely they fully justified the conductors of the prosecution in bringing against him a charge more serious than that of riot. It was perfectly true, that the learned Counsel who acted for Withers told him (the Attorney General) that he was not prepared to defend his client against a charge of capital felony, but only on a charge of riot. To this the natural answer which was returned was, that it was upon exactly the same facts Withers was to be tried capitally as would have appeared upon the minor charge, had it been decided to press that in preference to the more weighty offence; and in order that there might be no difficulty in the case, and to remove every ground of complaint, he (the Attorney General) handed the learned Counsel his brief in the case of Withers, and desired him to read it, and make the best use he could of the information which it contained in defending his client. What could be fairer or more candid than this? He thought it must be admitted, that there was not much ground for the hon. Gentleman's remarks upon the case of Withers. Not fewer than 1,500 individuals had been tried before those Commissions, and yet the hon. member for Preston had only been able to bring forward three cases, of which, with all his inquiries, among sources not the most favourably disposed towards the prosecutors, he could complain, as admitting of doubt with respect to the decision come to, and the course adopted; and be it remembered, that this occurred after the creation of much violent and unjust prejudice on the subject. Another case to which the hon. Gentleman alluded was, that of a person named Lush. He (the Attorney

General) was not present at the trial of that man, but he understood the hon. Gentleman's supposition to be, that the prisoner made a statement to his Attorney, which was made use of in bringing forward the charge against him. That any thing like this could be the case he very much doubted indeed. He had no recollection of any such circumstance himself, and felt certain that every legal person connected with those prosecutions would at once have rejected any information obtained in the way represented by the hon. member for Preston. Indeed, there could be no reason for using any such document as stated. No doubt the prisoner was tried upon the charge, and convicted on the evidence contained in the depositions, and he had as little doubt that the brief for the prosecution was made up from the same source. With respect to the other case referred to by the hon. Member (that of Looker), his only anxiety arose from the fact of the character of a dignified and learned Judge having been improperly, most grossly, and unfairly, trampled on. The hon. Member said, he intended no offence to any hon. Member of that House by his observations; but while the House was willing to put that favourable construction on his remarks which he demanded, if, in another place, and before an assembly very different from the present, and composed of persons likely to be greatly influenced by the declaration, if, under such circumstances, the hon. Gentleman had said, that he would impeach the learned Judge in question, and if he held that individual up to public odium and indignation, at a time when he had made no inquiry on the subject, he put it to the hon. Member whether he had not departed from the candour which he professed to exercise in that House, by attacking an honourable, learned, and dignified individual upon grounds so slight and inadequate. Never was there a charge more utterly unfounded and unjustifiable than this. Never had a Judge acted in a manner more completely free from all blame than the learned individual referred to. He repeated, a Judge could not be more perfectly free from blame in what he did, unless, indeed, Judges were infallible, and convictions invariably correct. Here was a person against whom, to say the least, there appeared a strong case of suspicion on a serious charge.

Witnesses deposed to the threatening letter,

which the prisoner was accused of sending, being in his hand-writing, and no son was then brought forward to take the letter upon himself. It was true that a difference did exist among the witnesses on the subject of the hand-writing, but was it such a difference as ought to have had weight in a case of this description, particularly when it was considered that the hand-writing was usually disguised in threatening letters, and therefore that the evidence might well vary upon the point? Under all the circumstances of the case, he could not help thinking, that had a man been convicted before the hon. member for Preston as Looker was convicted, the hon. Gentleman would have acted in the same manner as the learned Judge who tried the case in question; and further, would have felt disposed to pass immediate sentence upon the prisoner. Why was all this odium attempted to be heaped upon the learned Judge, who never even knew, till after the trial, that Looker had a son? When, upon conviction, it was said, that the prisoner had a son who wrote the letter, and was willing to state himself to be the author of it, still that was a suspicious circumstance, and might well give rise to doubt in the minds of persons not fully acquainted with the circumstances. He did not mean to say that he himself entertained any doubt on the subject, because he knew at first that there was to be such a defence; but a Judge was differently circumstanced. The hand-writing was again examined, and it was found that it did bear a resemblance to that of Looker's son; but he observed that the guilt of the son was not necessarily the innocence of the father, for father and son were living together, and the offence charged was the sending, not the mere writing, of a threatening letter. The son might have written it with the concurrence of his father, who might have sent the letter. He did not say this was the case, but many thought it possible. The learned Judge afterwards refused to allow that another case of sending a threatening letter, which stood against Looker, should be taken, but left it to another Judge to try it. A bill was sent before the Grand Jury, and so satisfied were they on the evidence, that they found the bill against the father, and ignored that against the son. But on that second trial the son came forward and swore that he was the author of the letter,

and having given a consistent account of the transaction, and not varying in his evidence, Mr. Justice Park said, he was satisfied with the testimony, and the man who was convicted the day before was acquitted. What was to secure Courts of Justice against occasional errors of this description? What better conduct could there have been than that of the learned Judge? With regard to the case of the young man, he could not view it in so favourable a light as the hon. member for Preston. The younger Looker was guilty of the offence—he wrote and sent the letters, to the great peril of his father, in whose house he lived; and when at last he found his parent likely to be transported for life, he took the offence upon himself. But this was by no means so heroic as if he had come forward at the commencement. Besides, he was guilty of the charge, and avowed himself guilty. This, said the hon. Member, was highly praiseworthy. Perhaps so; but his conduct was not so heroic as the hon. Gentleman appeared to imagine. If the young man were not guilty of the offence, and if he had come forward to screen his father by a noble falsehood (avowing himself the author of another's act), there might have been some reason for placing him on a level with those heroes of antiquity, whose doubtful virtue excited our mingled admiration and censure. The hon. Gentleman had only complained of three cases as involving hardship, although, on the Commission in question 1,000 individuals had been tried. In the counties of Hants and Wilts alone nearly 700 persons were tried, and these were drafted from a much greater number, the law advisers of the Crown endeavouring to select the most guilty, and allow the less culpable to escape; besides, as far as possible, prosecutors were willing to abstain from proceeding, and Magistrates from committing; the Grand Jurists threw out many bills; Counsel for the Crown abstained from pressing many cases; and the Judges adopted a course of lenity that almost subjected them to animadversion; but considering that the law had been laid down, and a sufficient lesson read to the offending, perhaps those learned persons thought, and rightly, that they might proceed with less rigour. Would the House take the trouble to recollect what a state the country was in three months ago? Not a Member but daily received such accounts from his friends and agents in the

country as left it doubtful whether life and property would be safe for twenty-four hours in particular districts. But the moment the authority of the law was appealed to—the moment it was spoken of as about to be applied—in those quarters, the outrages, with one exception, ceased, and were speedily put an end to. What had been the progress of crime? from breaking thrashing machines, the deluded people proceeded, under a sense that they had the law in their own hands, to still greater outrages; from one crime to another, they went on day by day, and it was astonishing to see how soon, from decent and well-conducted men they became disorderly and ferocious. Not fewer than 100 persons were capitally convicted at Winchester, of offences for every one of which their lives might have been justly taken, and ought to have been taken, if examples to such an extent had been necessary. It was the idlest folly to talk sentimentally on such occasions. Government was not to seize those opportunities to go back to first principles, and discuss the fitness of particular laws, its duty being to put the law in force, to repel aggression upon life and property. Never had the law been more properly enforced than upon this occasion. Two cases of execution had occurred at Winchester, which were not spoken of by the hon. member for Preston. The ground that had usually been taken in condemning the proceedings under the Commissions was, that these were poor, deluded and distressed agricultural labourers, who were driven into the commission of excesses by ignorance and want. Was Cooper, who suffered at Winchester, one of these poor deluded agriculturists? Not so; he came from a neighbouring county, mounted on his master's horse, being at the time in question an ostler, and having been a decayed publican, but never having acted as an agricultural labourer. This man, from some mysterious motive, placed himself at the head of a mob, hallooed them on to works of mischief and destruction; was present for half an hour at Fordingbridge, where he assisted in destroying machinery that gave employment to 100 persons; then proceeded to a neighbouring village and broke more machinery; then, wielding that tremendous weapon, a mob, in his hand, demanded and obtained money from various farmers. What could be more alarming than when such assemblages

went, as frequently they did, by night, to lone houses, striking women and children with a terror from which they had not even now recovered? Suppose they found the guardian of the house at home to defend his property—why then there was not one of their lives that might not be justly taken. Thus they proceeded from bad to worse in their outrages. It was absurd to say, that these offences had been invariably committed by agricultural labourers. The other person who had been executed at Winchester was a carpenter, and was earning 30s. a week at the time he joined in those outrages. Yet this, forsooth, was one of the necessitous and misguided agricultural labourers. He struck down with a sledge-hammer one of the family of his benefactor, repeated the blow, and unless he had been prevented by one more faithful than himself, an individual whose arm was broken in the attempt to save his intended victim, a valuable life might have been lost to the community. Perhaps no two individuals, unacquainted with all the circumstances of the case, would agree as to those who ought to be spared, and those who should be executed. This was not so surprising; but when it was found that the newspapers were teeming with recommendations to stop the effusion of blood, as barbarous and cruel, and pressing upon the Government, in the strongest terms, the necessity of sparing the guilty, he confessed he was struck somewhat strongly by the observation of some of his friends in private life, who exclaimed, and not unnaturally, "What, is there no mercy but for the criminal?" The proper answer to the foolish outcry raised in the name of humanity was—"So give an example in the first instance, by the wholesome execution of the law, as to put an end to outrage." This was true, not spurious humanity. With regard to incendiaries, they also, it appeared, came under the protection of the humane folk, who pitied poor agricultural labourers, that only broke machines, plundered property, and put people in fear of their lives. The incendiaries were spoken of as poor misguided incendiaries; there actually was a paper (he knew not whether the hon. Gentleman had seen it) which contained Resolutions, signed by a respectable name, expressive of a hope that Government would not proceed against poor men who only set fire to people's property in the dead of night, and who had been misled by their suffer-

ings, and through the errors of a former Government. Surely this was the silliest and most dangerous "cant" that it was possible to utter. The hon. Gentleman had not disgraced himself by taking any part in this miserable and most extraordinary species of affectation, the effect of which would be, to endanger life and property to an incalculable extent. He would not prolong the Debate by entering at large into the general question. He hoped that the wholesome and necessary examples which had been made would correct errors, deter from future outrage, and should it unhappily arise, encourage a manful resistance. He congratulated himself, the House, and the country on this, that much of the evil had been already put down. As to the incendiaries, it was not so easy to detect them, and in the absence of detection we could only leave them to the indignation and contempt of all honest men, trusting that some time or other they might be discovered, and knowing that it could not be alleged in their behalf that they committed offences with a view to benefit themselves, for no man was the richer in consequence of the destruction of the property of another. He congratulated the House that a great public evil had been boldly faced—that it had been put down without military conflicts—without the shedding of blood, as might have been apprehended—without the aid of any extraordinary enactments, but simply by a firm and temperate enforcement of legal and constitutional authority. This was a subject on which, to the last hour of his life, he should continue to congratulate himself, whenever he considered the humble part he had taken in producing the result.

Mr. Sandford observed, that in one part of his speech the hon. member for Preston blamed the Magistrates for not being prepared to act, and in another he found fault with the yeomanry because they were preferred. This was very inconsistent in the hon. Gentleman. With regard to the question before the House, he should meet it with a decided negative, on this ground, that the source of mercy was in the Crown, and Parliament could not constitutionally interfere in the exercise of that prerogative.

Mr. Hume said, his object in rising was, to save trouble to the House, by endeavouring to induce the hon. member for Preston to withdraw his Motion. [*Loud*

and very general cries of "No, no!" "Divide!" and "Question!"] However, if the House wished it, he could have no object in preventing a division. ["Divide, divide!"] As there was a disposition not to allow the hon. Member to withdraw the Motion, he could only say, he did not think the hon. Gentleman had been fairly dealt with, particularly by the hon. Under Secretary for the Home Department, who was not borne out in saying that the hon. Member had attempted a justification of the late excesses. The hon. Gentleman regretted those excesses as much as any man could, and only lamented that misguided individuals had been led away by distress to commit acts of outrage. Was it to be wondered at if thousands and tens of thousands of the labouring classes were misled on the subject of machinery, when they saw Peers, Members of Parliament, and Lord-lieutenant of Counties denouncing machinery. He again expressed a hope that the hon. Gentleman might be allowed to withdraw his Motion. [*Renewed cries of "No, divide, divide!"*] If a division took place, however, he would support the Motion.

Mr. *Portman* rejoiced exceedingly that the hon. member for Preston had brought forward this Motion, inasmuch as it afforded him an opportunity of disabusing the country as to his being a promoter and exciter of the late disturbances. In Dorsetshire it was believed by many of the peasantry, that the contrary was the fact, and almost every ringleader of mobs had denominated himself either "Corporal Hunt" or "Serjeant Hunt." However, the hon. Member had now disclaimed all connexion with the late lawless proceedings, and of course his assertion was entitled to belief. He entreated the House not to consent to the Motion, as by so doing they would only lend their sanction to errors already too prevalent. One of the gross mistakes that existed throughout the country was, that his Majesty himself had ordered the destruction of machinery, and had not the people been enlightened by the Special Commission, as it would not have been if the offences had been tried at Quarter Sessions, the delusion might still have prevailed. He entreated the House not to believe that the farmers of England would countenance incendiaries stalking through the land.

Mr. *Hunt* replied. The statements which he had made, he contended, had

not been shaken. The hon. Under Secretary of State had said, it was strange that wherever he (Mr. Hunt) happened to go, there mobs happened to be. He denied this. No one had attempted to deny, that men were entrapped in gaol to make statements to attorneys in the presence of the gaoler; and he would pledge his reputation to prove, that this was the practice at the gaol. He was surprised at the personal allusions that had been made to him and his trade. He did not think it had been quite orderly in any assembly to make such allusions. An hon. Admiral (Sir J. S. Yorke) had referred to his blacking. He would not amaze the House by a battle between his blacking and the hon. Admiral's bilge-water. The hon. Admiral had given him credit for being a good-looking man; he was sorry he could not return the compliment. He had all along said, that breaking machines was an illegal act; but no one had pretended that any gun had been used by the mob; they had used only hammers and bars. The hon. member for Wiltshire (Mr. Benett) had said, that he had excited the mob by his speeches. He asked, when and where? He might more justly charge the hon. Member with exciting them by the low wages he gave. He had a list of the persons receiving wages from the hon. Member, and he found they amounted to 2½d. a-head per week. This was enough to drive men to desperation. He challenged any person to bring forward an instance in which he had excited a mob. [The hon. Member was then proceeding to complain of having been misrepresented by some hon. Members, when he was interrupted by coughing.] He said, he had heard of this; he had been prepared to meet these coughings; but if he was to be put down by coughing, let the people of England know, that when he wished to protect them from oppression, he was to be coughed down. He stood there as an advocate of those unfortunate men, though many of them might have been criminal. He accused no one, not even the hon. member for Kent. He had only stated facts, and he was astonished that he had been so misrepresented. He disclaimed having given countenance to one of the acts of the mob; he had always denounced them as illegal. But these poor people had suffered much. The hon. and learned Attorney General had said, there were 1,600 or 1,700 who had been tried for acts

of violence, which arose from the distresses of the people. Where had there been any act of resistance to his Majesty's Government? It was preposterous to call it disaffection; there had been dissatisfaction throughout the country, owing to want of food and want of fair reward for labour. His friends about him wished him to withdraw the Motion; he was not well acquainted with the forms of the House; he had no objection to divide. He never meant to bring forward a motion which he did not think entitled to the attention of the House. He was ready to divide, and if he should divide alone, when he went down to the silent tomb, he should have the satisfaction of thinking he had done his duty. He had brought the Motion forward out of a motive of humanity, and in order to induce Government to do that which would redound to its honour. ["*Divide, divide!*"] The Gentlemen around him wished him to withdraw the Motion. ["*No, no!*"] He had no wish to withdraw it, except that it appeared, from the sense of the House, that he should divide in a small minority, which might do an injury to the cause he advocated. In compliance with the wishes of the House, he would leave the Motion with it.

Mr. *Benett* explained. We could only hear him say, that with respect to the wages of his men, he had not raised them immediately after the occurrences; he had refrained for about three weeks; but he had since raised them.

A division then took place, when there appeared—For the Motion 2; Against it 269—Majority against the Motion 267.

IMPRISONMENT FOR DEBT.] Mr. *Hume* moved for returns of the number of Warrants granted for Debt, distinguishing whether for Mesne Process or Execution, by the Sheriffs of London and Middlesex, and the Sheriff of Surrey, for the year 1830; also, of the number of prisoners committed for Debt to the King's Bench and Fleet prisons, Whitecross-street, the Marshalsea, and Horsemonger-lane, in 1830; also the number of prisoners committed to the same Gaols, by the Court of Requests, for the year ending January 1831, with the amount of the debt and costs in each case, and classifying the prisoners according to the amount of their debts. In moving for these returns, the hon. Member stated, that imprisonment

for debt was demoralizing in the highest degree, and as it had been promised for three years that the law should be altered, he hoped that at length these promises would be kept. The interior of a prison corrupted all its inmates, and when it was known, that in one prison alone of the City of London, 1200 individuals were confined for small sums, the price of an Englishman's freedom being 1s. per day, was it astonishing that the whole community was corrupted by so poisonous a source. The property of the debtor should be taken, but his person should not be touched. But perhaps the worst part of the present system was, that those who owed nothing might be incarcerated by an oath.

Mr. *Horace Twiss* took that opportunity of remarking, with reference to what had been said in the former Debates, that the regulation for preventing persons having free access to prisoners in gaol, was intended to prevent their communicating with improper people.

Mr. *Alderman Waithman* said, that debtors were not confined by the hard-heartedness of creditors, but as the only means of enforcing the payment of debts due from those who had funds and would not pay their creditors. He should like to see the law of debtor and creditor revised.

Mr. *Alderman Wood* said, that the expense of confining debtors for small sums would more than pay their debts.

Mr. *Warburton* was convinced, that sending a debtor to prison was so sure to be followed by his ruin, that he thought the law could not be altered too soon.

The *Chancellor of the Exchequer* stated, that in consequence of the situation he now held, he was not prepared to forward the bill of which he had given notice last Session, but he thought that great improvement might be made in the laws; and he still retained all his former opinions concerning them.

Motion agreed to.

MILITIA.] Mr. *Hume* moved for a return of the number of persons enrolled to serve in the Militia, and the number exempted, in each county in Great Britain. He thought the whole system of the militia erroneous, and contended, that every man liable to be drawn for the militia ought to have a vote for Members of Parliament. The labour and time of many men con-

stituted their only property, and they ought not to be disposed of without their own consent.

Mr. *Hunt* gave notice, that if the elective franchise was not granted to persons liable to serve in the militia, he should move that they should be exempted from that service, and from paying taxes.

Lord *Althorp* had no objection to the Motion, but it was impossible to have the return made out until after the ballot.

Motion agreed to.

PROCLAMATIONS OF THE LORD LIEUTENANT OF IRELAND.] *O'Gorman Mahon* rose for the purpose of making the motion relative to the Lord Lieutenant of Ireland, of which he had given due notice. He was placed in rather an unfavourable situation respecting this question. The House had been long occupied in a discussion about the state of England, and he was well aware that the subject which he was about to bring forward about Ireland, was unsavoury to the House [*cries of "Oh, oh!" in which Mr. Spring Rice joined*]. The hon. member for Limerick, who now sat on the Treasury Bench, might cry Oh, oh, and hear, at his remark, but he could assure that Member, when the time came, that he would show him that he was not to be interrupted, and that it should be remembered to him, that he, sitting on the Treasury Bench, sneered against Ireland—[*cries of "Order, order."*]

The *Speaker* interrupted the hon. Member, and informed him, that he was proceeding in a manner which would be disorderly, and requested him to confine his remarks to the subject of which he had given notice.

O'Gorman Mahon said, he would bow with deference to any recommendation from any Member of that House, but with still greater deference, when that call to order and recommendation, came from the Chair. He was not aware, however, that any reproof was deserved. He had a right to ask, why he had been interrupted by a foolish, unmeaning cry [*cries of "Order, order!" "Question, question!"*]

The *Speaker* said, the hon. Member had already been informed that he was out of order, and he was rather surprised that he did not find out the cause of the interruption.

Sir *Charles Wetherell* rose, solely for the purpose of asserting that order and

dignity which it became Members of that House to observe. The *Speaker* had informed the hon. Member, with great urbanity and amenity, that he was out of order, and this intimation did not appear to have the desired effect. He, as well as every Member, he believed, was ready to make allowance for hastiness of manner, and to treat it accordingly. He was surprised—the House was surprised—that the intimation had not had the desired effect. If, however, the hon. Member persisted in his course, regardless of the intimation from the Chair—You, Sir—(addressing himself to the *Speaker*) will be required to rise from your chair, and assert the dignity of the House.

O'Gorman Mahon—The hon. member for Boroughbridge has called on you, Sir, to rise from your chair [*"No, no!"*]. I say he did. Why does not he, or some other Member, stand forward, and not call on the *Speaker* in this manner? Let him stand forth who says he did not [*"Order, order!"*].

The *Speaker*.—I am quite sure that the hon. Member must feel on reflection, that when I interrupt the course of any hon. Gentleman's speech, I always do so with the greatest lenity of manner, consistent with the discharge of my duty. The hon. Member will not be the single exception, as I trust, in the House, to believe that I interfered when I was not satisfied that the hon. Member was out of order; and if I abstain from expressing myself in strong terms, it is not only from a hope, but from a confidence, that the hon. Member will take the hint, and not oblige me to discharge a most arduous and painful duty.

O'Gorman Mahon.—I thank you, Sir, for not having contradicted, and, consequently, having confirmed what I asserted [*"No, no!"*]. Thank you for your "noes!" But I ask this simple question—why do not those who cry out "no!" stand up in their individual capacities and say so. The hon. member for Boroughbridge did call upon the *Speaker* to rise and put me down. The hon. Member accused me of having been disorderly; and with that tact and ingenuity which belongs to his profession, to pervert any truth, however palpable, into quite the opposite [*"Order, order! question."*]

The *Speaker*.—I still cannot but persuade myself that the hon. Gentleman, on a moment's reflection, will see, that he

has been disorderly on two grounds; first, for addressing himself to a subject not connected with the question he is about to submit to the House; and, secondly, for accusing another hon. Member of a wilful and professional perversion of truth.

O'Gorman Mahon.—I am now precluded from alluding any more to the member for Boroughbridge in this House, but I may meet him again elsewhere. [*Order.*] How am I out of order? I am no more out of order now, than when I alluded to a peculiarity which I considered particularly applicable to the member for Boroughbridge. As the Speaker abstained from saying I was disorderly then, I have his testimony in my favour [*cries of "Order!"*]

The Speaker.—I am quite sure the hon. Member will feel, and if the hon. Member does not, I hope the rest of the House will feel, what is due to its own dignity. I claim nothing for myself personally; but I do claim something for the dignity of the Chair. I tell the hon. Member, that he was out of order on two occasions; and I tell him further, that this House never has been in the habit of submitting to the manner in which the hon. Member is now pleased to address the House. The House always takes care to give full notice to any hon. Member, who might be in error through mistake, to retrace his steps; but if he perseveres in an objectionable course, then the Speaker, in the exercise of his duty, is bound to take that step, which alone remains, and call upon the hon. Member by name, who will be then brought before the House, and have to make an explanation of his conduct.

After some pause, the *Speaker* asked, has the hon. Member any motion to make? No answer was given, and the cry of "Question," became general.

O'Gorman Mahon then rose and said, that, after the threat denounced against him by the Speaker, he was at a loss how to proceed with the discussion of the subject. If he had been guilty of a dereliction of duty, he would yield to the sentiments of the House, but if he had not been guilty of such a dereliction, he did not see why he should be arraigned at their bar. He had been arraigned at their bar as a delinquent, and did not know in what capacity to address them. If he had not transgressed any Act of the Constitution, he would ask, why he should be pronounced guilty? Was he guilty towards

the member for Boroughbridge? The Speaker said he was not. He would bow to the member for Boroughbridge, or the borough Member, but he would not bow as a delinquent. He was sorry to see some Gentlemen so far forget themselves, as to attempt to slight and depress him in the House. It was said, he did not address himself to the topics, but he had been interrupted from the Ministerial bench—and was it out of order to make an allusion to such interruption? Being interrupted by the hon. member for Limerick, he had made a reply, and he would appeal to the whole House, and to the books of that House, whether he was incorrect in so doing? He had stated, that they had no taste for the subject—that it was not savoury, and in so saying he was not guilty of any breach of order—[*"Order!"*] They cry "*Order,*" but he would say he was not out of order. He would next proceed to the question before the House, and if he had only been allowed to go on without interruption, it might then have been settled. He was anxious to tell in what state Ireland was, and to ask in what relations Ireland and this country stood—whether as friends or foes. His chief object in doing so was to arrive at the truth. Perhaps it would be said, that this was an exaggerated picture of Ireland, and of the feelings of the Irish people towards England—that it was the representation of a Member for a remote part of that ill-fated country, and was, therefore, not to be relied on. They might hug themselves in that supposition; but he would tell them, as a body of Englishmen, principally, that Ireland was resolved, cost what it might, to have again its own Parliament, as she had 30 years ago, to legislate for its wants, and look over its interests, which had been totally overlooked by that British Legislature. That was a thing resolved upon. The only question was, how was this object to be attained, by negotiation, or by other means? Ireland was tranquil at present, because she waited to see what course the Government intended to pursue on this momentous question. England was disturbed on account of tithes and taxes; Special Commissions were issued for the trial of the unfortunate men, whose distresses had urged them to infringe the laws; and England could no longer constrain Ireland. Ireland was tranquil for the reason which he had just stated, and yet, gracious God! how much

greater cause had she to complain! The only object of the Ministers and the English Parliament, he now saw, was, to devise means to evade the reasonable request of that country. As that infamous Act of Union had been carried through the medium of persecution, blood, and rapine, were they prepared to say—for to that the resistance to the repeal would amount—that it should be maintained by political persecution, by blood, and by rapine? In a word, were these likely to cement the hearts of Irishmen to Englishmen? Were these the fit and proper materials to effect political and lasting union between the two countries? But what had Ireland, and the wrongs of its population, to expect from Englishmen and English Members of Parliament, when, on the motion of the hon. member for Preston, only an hour since, for an Address to the Crown, beseeching it to extend mercy and an amnesty to 800 of its own miserable starving peasantry, who had been forced by their wretchedness to outrage, there were but two Gentlemen, himself and the honest member for Louth (Mr. Alexander Dawson), who had humanity enough to prompt them to walk out with the member for Preston, in support of that extension of clemency and mercy to those poor, starving, misguided individuals? Gracious God! and that, in that English House, only this Gentleman and himself, both Irish, should be the only ones to support such a motion.

Mr. *Hughes Hughes* rose to call the hon. Member to order. He had frequently made use of the name of the Deity in a manner unusual in that House.

The *Speaker* believed it was far from the intention of the hon. Member to make use of that revered name in any way that would be offensive to the most delicate ear or the most tender conscience.

O'Gorman Mahon resumed.—He begged the House to accept the assurance of the right hon. and learned Chairman. Something must, however, be admitted in the heat of argument, and there could scarcely be a suspicion entertained that he did not sufficiently respect the Deity, as had been so sanctimoniously assumed, when he told the hon. Gentleman opposite, that he had been brought up in a Jesuits' College. He therefore should be found orthodox in most things, even so far as to the Motion for a general fast [*laughing*]. He was glad to find the House in good humour, and willing

to excuse his *lapsus linguæ*. He himself was particularly fond of goodfellowship, harmony, and conviviality [*laughing*]. [The hon. Member hesitated for some minutes as if he had lost the thread of his discourse, and at length said, that he only now wished that the hon. Member to whom he owed the interruption would restore him again to that state and position in which he was when proceeding in his argument at the time of that interruption.] Yes; now he recollected he was going to appeal to their better feelings. He would solicit of the House as a boon that which he had little hope of, when they had refused it to their own countrymen an hour since—namely, charity and commiseration to his countrymen in the depth of their wretchedness and misery—a wretchedness and misery, compared with which the distress in this country was as nothing in the balance. Within a short period back the fact had become notorious, and was established on the oaths of two of the Magistrates of the county of Mayo, that, in one parish (Newport) in that county, there were 3,031 persons without food—even a meal's meat—totally destitute of clothing of any kind, or a bed to lie down upon. Here was a state of misery, compared with which the 6s. or 7s. a week, and one meal a day, of the distressed peasantry of this country, would bear no comparison. Happy, too happy, would these wretched animals be to obtain but 2d. a day to put a mere potatoe with salt into their mouths, and work for that pittance from six to six, or from sun-rise to sun-set. Here were 3,031 persons, ascertained, on the oaths of the Magistrates themselves, to have been, ever since the 10th of January, without a single particle of food to maintain life [*laughing*]. Before the 1st of March, 2,000 more individuals would be reduced to the same situation [*renewed laughter*]. Good God! and was this the tone of condolence in which their unmerited sufferings were met? He could scarcely have believed it had he not witnessed it to-night. And all this misery was heightened by the severity of the weather, the ground being covered with snow; and there they were, without clothes, under the snow six feet deep. This was the condition of the country which England wished to have united to her. Now was the time to act. Let not the House be deceived. Ireland had no confidence in England. It was folly to talk

of controlling Ireland by force. Even the power of the Speaker was vain as applied to her in many cases. For instance, there was a talk of a Call of the House. Of what use was their Call? Could a Call of the House supersede the ordinations of nature? So deep was the snow now, that all communication between Dublin and the remote counties was cut off. If the House and the Government consented to hear the voice of reason at all, now was the time—now, or never. All that could be expected would, at best, be but a compromise—a compromise with Ireland, either to Repeal the Union, or consent to hold the Session of Parliament alternately in the capitals of England and Ireland “*no, no!*” and laughter]. He repeated, however they might cheer or disapprove it, that a compromise was all they could expect, and that through one man, and one only, who had well earned the confidence of the Irish people. Could they, by such cheers as they saluted him with, prevent the poor wretches starving now under six feet of snow, from laying all these evils at their door? He certainly did not mean that England was the cause of the snow;—he thanked the hon. Member for the ingenious hint, but still there it was on them, and they believed all their hardships and severities, want, and snow, were to be charged to their account [*loud laughing*]. Really, he did not understand that treatment. He almost wished he had been born with a pugnacious disposition, that he might be properly qualified to meet this expression of dissent as it merited. If they were disposed to consult the mutual interests of both countries, a compromise through this channel must be resorted to, and that speedily. Of the cause he did not despair. Before the recess there was, but one county Member (and he did not call such persons as the hon. member for Ennis, or of such rotten places, Members representing the people of Ireland)—and he had then prophesied, and did so now, that, before the end of the Session, there would be twenty county Members for Ireland in favour of the Repeal of the Union. He was himself anxious to reconcile, if possible, the mutual interests of the countries. The two countries might stand or fall together, or they might not: God forbid that Ireland should be enabled to stand by the aid of French bayonets and French battalions; but stand she would, and her

people were resolved she should. If she stood in firm union with England, that union could only be cemented by allowing her rights equal to those of the people of this country. France, Belgium, and even distant Russia, had each had a notice—no Revolution had struck us into astonishment and dismay. Let them beware in time, lest like the Sovereigns of those countries, they, by and by, should exclaim, what fools they were not to take warning ere it was too late. Whilst time yet remained, he called upon the House for their own sakes, for the sake of the glory of the British Constitution, to take the subject into their serious consideration. It was said, that England and Ireland must stand and fall together. England had been standing for some time with her foot on the back of Ireland. In this manner she had maintained an elevated position amongst nations; but when Ireland should be taken away, she would be reduced to her proper dimensions, and her iron heel would press on the cold soil. Irishmen loved England, but if their country called on them, in the name of Him who made the world they would part from England. If they now cut the painter, and sent Ireland adrift, or separated the barrier, the consequences all would deplore. Let them not do so. Let them take time by the forelock, and consult their interests ere it be too late. But he was afraid his advice would meet with but little attention from them. They would, on going home, perhaps say to each other, “What a petulant, impudent, insolent man that is in Parliament;” and, with such an expression, consign to oblivion all he had said: but he begged they would not act so, in sheer pity to the cause he attempted to espouse. [The hon. member reviewed the measure resorted to in order to put down the Catholic Association in Ireland by the late Government.] The bill passed for that purpose was the result of a compromise for the attainment of a great object. The late Secretary for Ireland had, as far as his proclamations went, put the law in force. For Sir Henry Hardinge he had the greatest respect, and never would that gallant officer have attempted the odious course which had been pursued by his successor. A new Ministry, the avowed friends of Ireland, and of liberal policy towards her, had succeeded. That Ministry was composed of Whigs—a set of men who had pronounced that law

of the former Administration an infamous and disgraceful outrage on the Constitution. Yet that Ministry, whom he had come from Ireland to support, not because they were Peter, Jack, or Tom, had made that law a pretext to arrest, by the hands of common thief-catchers, the only man who had the boldness to be the genuine friend of Ireland. That Ministry, too, to his deep dissatisfaction, had just falsified its pretensions and its promises by the introduction of a Civil List, against which all loudly exclaimed. Yet he would not change his place behind the Treasury benches, nor go over to the opposite side, until he had more fully given that Ministry an opportunity to display their true sentiments, now that they were possessed of the power to redress the grievance they had before admitted. He scarcely thought that, unless it had been known that it would not be very disagreeable to the Government, the Chief Magistrate of a Corporation would have allowed his catchpole to rush, in a ruffian-like manner, into the house of a gentleman, who, by his profession, was obliged to be always forthcoming. The courtesy usually observed by Magistrates forbade this. Why, then, he would ask, was the hon. member for Waterford not now in his place? Why was he not present to hand in the petitions which had been intrusted to him, and which ought to have been presented several nights since? It was because he had been caught up under a quibble of the law, and a law which the Lord High Chancellor of England had declared not to be a constitutional law, but, on the contrary, a direct violation of the Constitution. The late Chief Secretary for Ireland, also, had declared it to be a bad law, and the Whigs had all joined in pronouncing it to be unconstitutional and unjust. The persons who had been proceeded against in Ireland would not have been brought before a criminal tribunal, were it not that they advocated a Repeal of that Union—a measure which was not popular here, but was all-popular in Ireland. He did not mean that it was popular amongst the absentees, who held their property here, and spent their time at Paris or Rome—who lived in Italy, and drew their rents from Ireland. Such men were adverse to a Repeal of the Union; but the occupiers of the soil unanimously called for it. The entire property, influence, and respectability of

the county of Roscommon had entered into unanimous resolutions that Englishmen were not fit to legislate for Ireland. The counties of Clare, Meath, Tipperary, and Armagh—the Archiepiscopal county of Ireland,—in short, the whole country was animated by the same desire. Was he stating any thing at variance with the truth? If he was, the hon. member for Boroughbridge—that steadfast friend of order,—might interrupt him. He should certainly adopt that hon. Member as his model in matters of order for the rest of his life. He should always appeal to his example in all cases where order was in question; and he should not issue a single placard to his constituents without heading it with a picture of the hon. member for Boroughbridge, which he knew would be his strongest recommendation. He called on the House to take some active measures with regard to Ireland, while it was not yet too late. Lord Anglesea had said, on one occasion, that Ireland might be led by a silken string, but could not be bound in chains. Irishmen had hitherto lain quietly by, but that might not always be the case. They might, at length, discover, that they were men, and deserved to be treated as such. Therefore, he called for some decisive step. He would ask, whether England had any confidence in Lord Grey? What was his title to their confidence? Was it not his adherence to principle? That noble Lord had been one of the strongest opponents of the Union between England and Ireland, and said, that if it took place it must soon be abrogated. Would they show their distrust of Lord Grey by frustrating his prophecy? He, for his part, would show his affection for the noble Lord, by endeavouring to verify his prediction, and to obtain a Repeal of the Union. It was vain to hope that any other course would satisfy the people of Ireland. England might send her armies and her troops to that country, but she knew not in what state Ireland was. She would, however, receive a knowledge of it in a few weeks. He had said, that the Premier of England had declared against the Union. What had Lord Plunkett, the Chancellor of Ireland, said? He pronounced it to be a sort of political murder of Ireland, and said, like another Hannibal, he would swear his son and all his children at the altar against the English who were instrumental to it. Were the

sons of Lord Grey and Lord Plunkett in the House? Probably they were sitting for some borough. If so, he defied them to deny his statements. The hon. member for Boroughbridge called him to order when he attempted to give the House information regarding Ireland. The hon. Member might have rejected his communication if he had gone up to him and taken hold of him by the handsome habiliments which hung so gracefully on him—if he had come between the wind and his nobility, he should have had a scene from Shakspeare—no doubt of it. There they were, then, with this Repeal of the Union; and it would go on. They might send their cohorts to Ireland, but that would not do. The time for deliberation was gone by, and the people were determined to carry the measure. Then Mr. O'Connell, for advocating this, was to be brought before Judges,—Mr. Justice Jebb, and Lord Chief Justice Bush, who were once violently opposed to the Union,—but now their opinions were altered, because the ermine sat easily on their shoulders. The people were determined to carry the measure of the Repeal of the Union; and Mr. O'Connell, with all his popularity, could not turn them from their purpose: he would be considered as a traitor if he did. Let the House then permit him to offer a suggestion which might lead to an arrangement to which Ireland might, perhaps, assent; but in which he should certainly never concur. He might acquiesce in it for the moment, but it should never have his support or approbation—namely, that Parliament should sit here and in Ireland alternately. He candidly confessed, that he suggested what he did not think could be accomplished. Even the hon. member for Waterford himself would be humbled from the high station of popularity which he occupied, and considered, and justly considered, a traitor to his country, if he recommended the people of Ireland to desist from calling for a Repeal of the Union. He would then tell the House what he had not been at liberty to disclose when he was last before it—namely, that he had himself been for eleven years and a half, heart and hand, a member of a secret Society, consisting of Protestants and Presbyterians, the only object of which was, to obtain a Repeal of that Union, which was not brought about by negotiation, or by any fair process of dealing between

two nations, but was purchased by treason and blood. Now, he might to-morrow, for aught he knew, find himself on his way to the Tower, if he was deemed worthy of notice. If he had not avowed this before, it was because he had not the sanction of those who composed the society, and because he was desirous to see what spirit there was in Ireland to stand by the law. He could tell the House, that the rankest Orangemen had been members of that Society. It was now done with—the Society existed no longer. As soon as it was perceived that Mr. O'Connell was prosecuted for advocating a Repeal of the Union, the members determined to identify themselves with his cause—the Society was dissolved, and permission was given to him to avow its former existence. Gentlemen in England could have no notion of the state of Ireland. What would the House think of the Courts of Justice being barricaded? Such was the case a few days back, when he was called upon to perform a legal function—[Here considerable laughter was excited, by the hon. Member, in the earnestness of his gesticulation, accidentally striking off the hat of Sir James Graham, who sat below him, and who very good-humouredly joined in the mirth.] He was warm on this subject, but he spoke to men who had a Constitution here. They had none in Ireland. Could the King himself order the Members of that House to disperse No! but in Ireland the King's deputy's deputy's sub-deputy could do that which the King himself could not do in this country. The deputy's sub-deputy could send the Members of a peaceable meeting to prison in fourteen minutes and a half after they were told to disperse. Yes! in Ireland any ignorant fellow—a mere baboon with a bit of parchment which, perhaps, he could scarcely read, had power to dissolve a meeting, and if the members refused to disperse in fourteen minutes and a half after his command, they might be sent to gaol. Was this a Constitution? The people were excited, and in the midst of this, the man of the people—their great favourite—was to be sent to prison. The moment he should be consigned to a dungeon would dissolve the Union. His opinions as to Mr. O'Connell were well known; no earthly consideration could have induced him to shake hands with him, if he had not been persecuted; but being persecuted,

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he would stand by him through good and evil report. He had shaken hands with him, and every Orangeman in Ireland would now do the same. He hoped the Ministers of this country would be able to divest themselves of any connection with the late proceedings in Ireland. That was the object which he had in rising to-night. The moment they sent the member for Waterford, he repeated, to a dungeon they decreed their own divorce from Ireland. They would send seven millions of Irish hearts along with him. He had trespassed too long upon the patience of the House. With the exception of the hon. member for Boroughbridge, he was grateful to the House for the kindness and courtesy with which he had been treated. He knew not how to return his thanks—and, perhaps, he could not do so better than by not obtruding himself longer upon its attention—the hon. Member concluded by moving, “that there be laid before the House Copies of the Proclamations issued by the Lord Lieutenant of Ireland since the passing of the Act against Unlawful Assemblies; also, a copy of the letter of the present Chief Secretary, to the Magistrates.”

Lord Althorp said, that he rose very unwillingly, but after the speech which had been made by the hon. member for Clare it was impossible for him not to enter at some length into the conduct of his Majesty's Government with respect to Ireland. He regretted that the hon. Gentleman had made his motion in the absence of his right hon. friend, the Chief Secretary for Ireland, as also in the absence of the hon. member for the county of Waterford; because it was impossible for him (Lord Althorp), in his statement, not to allude to the conduct of the hon. member for Waterford, in a way in which he was sorry to allude to the conduct of any Gentleman in his absence, and especially a Gentleman in the situation in which that hon. Member was at present placed. He had suggested to the hon. member for Clare, in private, that if he would move for the papers in question without making any observation, this might be avoided. The hon. Member, however (and he did not mean to impute to him any blame on the subject), thought that it was his duty to make the statement which he had just made; and he (Lord Althorp) told him, that, in that case, he should feel it necessary to make a counter-

statement in defence of the Government. The state of the case in Ireland was briefly this :—The hon. member for Waterford was exciting so much discontent, which he called agitation, that notwithstanding he cautiously terminated every speech, however inflammatory, with a recommendation of obedience to the law, it was evidently tending to insurrection and rebellion [*loud and general shouts of “hear, hear!” with intermingled shouts as loud from O’Gorman Mahon of “no! no!”*]. And what was the avowed object of the agitation excited by the hon. member for Waterford? To obtain the Repeal of the Union. Now, he asked the House, if it was not absolutely the duty of his Majesty's Government to prevent an agitation, having an object in view which must lead to the separation of the two countries? Who was there could conceive it possible that one Legislature could sit in England, and another Legislature sit in Ireland, and that the two countries could long remain united? The experiment had been tried. Let the House recollect the difference of opinion that existed between the two Legislatures of England and Ireland in the year 1783. Was it not a matter of notoriety, that if the malady of George 3rd had continued, the government of Ireland would have been in the hands of one set of political individuals, and the government of England in the hands of another set? He admitted that no such difference had since taken place. But would the hon. member for Clare wish to see such Parliaments in Ireland as those which had since been seen there? Would he wish for a repetition of such scenes as those of 1797 and 1798? The hon. Gentleman talked of deluging Ireland with blood—what did the Irish Parliaments do? He (Lord Althorp) was, therefore, quite at a loss to conjecture whence the benefit was to proceed from the Repeal of the Union, which the friends of the Repeal expected from it. Seeing this, and seeing the agitation which was excited for the purpose of procuring the Repeal, it was manifestly the duty of Government to apply every means in its power for suppressing that agitation. He by no means intended to say, that the only policy which his Majesty's Government in Ireland ought to pursue was, to suppress the agitation merely by force. The wise policy was, while they firmly suppressed that violent and seditious conduct which tended to insurrection and rebellion, to show the

people of Ireland, by measures of conciliation and kindness, that there was every possible disposition to attend to and remove their grievances. That was the policy which his Majesty's Government had resolved to adopt. They were determined to use their utmost exertions to resist the designs of the agitators; but, at the same time, by giving employment to the people of Ireland, by repealing such laws as were obnoxious to them, and by other measures of a similar character, to do all they could to conciliate their affections. He hoped and trusted that the advocates of the Repeal of the Union would never succeed in the attainment of their object. Knowing, as he did, the feelings and the spirit of his countrymen, and of those of the hon. Gentleman, he could hardly conceive the possibility of their obtaining that object except by civil war. No man held civil war in greater detestation than himself, but even that he should prefer to the dismemberment and destruction of the empire.

Mr. *Leader* said, that after what had been stated by the hon. member for Clare, with regard to secret societies, he felt it necessary for himself to declare solemnly, that with any society whatever, of a political nature, he had never been connected. He had heard the hon. member for Clare declare that deliberation was over, and—that the people of Ireland were determined to obtain by force a Repeal of the Union.—[The hon. member for Clare here observed, that he had been misunderstood. He had made no mention of force.] He had expressly heard the hon. Member state, that deliberation was past, and that the people of Ireland—if he did not actually use the word force—were determined upon having a Repeal of the Union. It had happened to him, since he had a seat in that House, to have passed some of his time in Ireland, and to have gone through a considerable part of the country. He had not been afraid, from his proceedings in that House, even though he was a Protestant Gentleman, and many of his family were churchmen, and, therefore, his creed was not congenial to the feelings of his countrymen,—yet he had not been afraid to face 30,000 of his Catholic countrymen, to account for his conduct, and to explain the line which he intended to pursue. He had told them, that, looking at the Union, with all the evils of absenteeism, and with a rate of taxation that was oppressive, and a Go-

vernment too indifferent to the condition of Ireland, on the one hand, yet, on the other, they had the British market open for their commodities, and various other advantages derivable from British connection; besides which, there was a prospect of an immediate Reform of Parliament; and that, if these things were put in contradistinction to the evils of the Union, there ought to be a pause before any procedure of violence took place. He had likewise said, that in that House he would endeavour to secure for Ireland practical benefits; that he was sure it was the intention of the Government, in which he had full confidence, to extend these benefits to Ireland as much as possible. That, under this persuasion, he would continue that line of conduct most likely to ensure these results, and, if he failed, he would go back and tell them what his conduct should be in future, either to join in seeking for a Repeal of the Union, or to resign his trust. And what had been the consequence to him, a Protestant? A unanimous vote of confidence. He regretted the proceedings that had been adopted during the pendency of a case in the Courts of Law, which must greatly affect the character of a Member of the House; and he admired the candour of the noble Lord, in recommending the hon. member for Clare not to enter into this discussion at such a period. He concurred in this feeling, because every one acquainted with the proceedings against the hon. member for Waterford was aware that the case was one of great legal difficulty; one of the construction of an Act of Parliament which would find no favour either in that House or in a Court of Law. He knew that great discontent existed in Ireland, and he was one of those old Whigs whose principle it ever was, that, when great discontent did exist, the presumption was always against the Government. This was a principle he had heard laid down by Mr. Fox, and repeated also by Lord Grey. Knowing the condition of the people of Ireland, he would, on a future occasion, when the measures of which notice had been given were brought under the consideration of the House, express his sentiments on the details. This he would say, that, willing always to make allowances for the people, he was also inclined to allow a good deal to a new Government, to enable them to form their judgment, and take time to consider the best measures of practical

relief. He also had the highest esteem for the chivalrous character of the gallant soldier who was Viceroy of Ireland, and, from his knowledge of him, believed that if, from precipitation or haste, he had gone too far, no one would be more willing to reconsider or retract an inadvertency. It should be recollected that up to Christmas-eve Mr. O'Connell had been attending his duties in that House. If, then, on his arrival at home, the Trades of Dublin, admiring his conduct in Parliament, were disposed to pay a compliment to a popular Member of the Legislature, who, as they thought, had discharged his duty with zeal and fidelity—and if, on the following day, a proclamation was issued, prohibiting this display of feeling—in his judgment that was a measure which, if the Marquis of Anglesey had duly considered, he would have deemed inexpedient, and would have thought it better to allow this compliment to be paid, than to hazard the danger of collision with the people. Although willing to make every allowance, he was not inclined to shut his eyes to danger, or to the improprieties which he lamented to say had taken place in Ireland. He had, however, always heard that it was the duty of Governments well to weigh their acts, and not to widen any breach that might exist with the people; and he could not conceive them to be guilty of any dereliction of duty in making allowance even for popular intemperance. He thus trespassed on the House, because he had travelled since he had last addressed them, a distance of fifteen hundred miles through the country, and thought it necessary to observe, that the people of Ireland were neither prepared nor willing to go the length of civil warfare to attain the Repeal of the Union. He knew the country well, both as a resident in the country and in Dublin, and of any thing like civil warfare there was a universal disclaimer on the part of the people, who declared, that a Repeal of the Union would not be worth obtaining could it be got only by force. The hon. Gentleman concluded by saying, that he hoped and trusted the time was not gone by for a peaceable arrangement, and sure he was, that the sooner the dispute was settled, the better for the country.

Sir *R. Peel* regretted very much that a discussion had been brought on, which would have been much better reserved; but as the necessity had been imposed on him, to take part in that which he could

have gladly avoided, in the absence of the hon. member for Waterford, whose character was involved, and whose situation was concerned in the question then agitated; but since the time was come for the discussion, it became every man who took a lead in the discussions of that House, to declare that he had irrevocably made up his mind to stand by the Executive Government, and maintain the Legislative Union between the two countries, and prevent the dismemberment of them at all hazards. This was that domestic concern which was now of paramount importance. He should be ashamed of himself if he did not cast into utter oblivion all party political feelings which might have existed between himself and the right hon. Gentlemen opposite; he should be ashamed of himself if he did not cast them aside, and without hesitation express a steady determination, by all the means in his power, to support the King's Ministers in all extremities of maintaining inviolate the Union with Ireland. He would support them in their proceedings, and should they make any little slips, and he did not say that they had made any, he would put the best construction on their conduct; and give them credit for their good intention, should they be driven to any harsh measures to meet the evasions and artifices of the declarations of the hon. member for Waterford. The House could well conceive the difficulty under which the declarations of that hon. Member placed the Ministers; but it was the duty of Government, even at the risk of the dreadful extremity to which the noble Lord had alluded, even at the hazard of civil war, to prevent the dismemberment of the empire. If the Union with Ireland were severed, if the feelings of independence were encouraged in Ireland, why not in Scotland, why not in Wales, and why not break up the empire altogether? It was to him perfectly clear, that after the Union was dissolved, the empire could not be preserved: the Union was necessary, therefore, to preserve the empire, and if it could not be preserved but by force, the Government was authorised to use force. If there was a difficulty in maintaining this Union—if the Government were, as it ought to be, resolved to maintain it, the Government would be to blame if it did not first employ every legal means, however severe—every authority it had received from Parliament, however much the late Ministers might have been blamed for

procuring that authority; the Government, he said, would be highly blameable if it did not first employ every legal and authorised means in order to avoid the necessity of having recourse to that dreadful alternative, suppressing the agitation by force of arms. If the laws were unable to stay the progress of those who desired the Repeal of the Union, still the Government would be highly to blame, should it afterwards dye the scaffold, or the plains of Ireland, with blood, if it did not first try all the existing authority of the laws. The hon. Gentleman who spoke last deprecated the proclamation which had prevented the meeting of the Trades; but that meeting must not be taken by itself. The hon. Member must conjoin it with the declarations made by the hon. member for Waterford, who had signified his fixed intention to try the question of enforcing the proclamation, and who had distinctly declared, that when the opportunity came, physical force should be employed to sever the Union. The Government, then, he contended, had no alternative, and it was mercy as well as good policy to resolve by law to interdict the first meeting of the people. The noble Lord had referred to the constitution of Ireland between 1782 and 1800; but he called on the House not to deceive themselves by supposing that, by the Repeal of the Union now, they could place the two countries in the same situation as they were in before 1800. It was not after the Union that the two countries could be placed in the same situation as if no Union had taken place. After a divorce the feelings were not the same as before marriage. "Oh Sir!" exclaimed the right hon. Baronet, "let us not deceive ourselves—very different will be the feelings—bitter animosity and hatred will succeed; there will arise different feelings as to religion: the country will be separated into hostile and intolerant factions, and the country will be a theatre of outrage and violence." ["*No, no,*" from *O'Gorman Mahon*.] Both he and the hon. member for Clare were then speaking of futurity, and it became them to speak with becoming diffidence of the fallibility of human judgment: but he certainly never held more confidence in any opinion than he did in the opinion, that, if the Union were dissolved, such scenes as he mentioned would be realised. If the Union were dissolved, they would have many of those secret societies, of which he had heard for

the first time that night. He did not certainly suppose that the great body of the Catholics had been united to obtain the Repeal of the Union, but to obtain their civil rights and religious freedom; but he did know that the great body of the Catholics, who had obtained their wishes, had resolved to preserve their faith, and preserve that tranquillity, and that freedom they had obtained. It was not religious differences that now disturbed Ireland—it was not the want of any political rights—but the bad example of Paris and Brussels, acting on the excitability of a generous people, which had produced the present unfortunate state of Ireland. He did not look to any other means for restoring tranquillity than the gradual return of the reason of the people. He did not wish to revive religious animosities, or to embody again the Orangemen. That would be a bitter sacrifice; but he relied on the returning good sense of the great body of the Catholics. He was certain, that after the lapse of a short time, when reason should have returned, that they would see the folly of their madness—and it was madness if ever a nation could be mad—it was madness to attempt to sever the Union. Let them only look at the depreciation it would occasion in the value of all property. Let them remember, too, that England could never, and would never, but at the last extremity, consent to the Repeal of the Union. Let them remember, that if they should succeed after a twenty years' contest, what they would make of their country—a great moral wilderness, in which every bad passion and every crime would flourish and ripen. With these feelings, he declared, that it was the interest of both countries to remain united. He should listen with favour to any proposals of a conciliatory nature coming from the noble Lord; but they must be proposals for doing justice to all parties. The noble Lord must not attempt to patch up tranquillity and peace by giving a triumph to any party. He considered Ireland at present to be in greater danger from the abuses of liberty than from the abuses of power, and, therefore, he, placing full confidence in the Government, should entertain with favour any proposition for enforcing the law, and giving strength to the Government. If circumstances should arise to make it necessary, he should be ready to arm it, and the Government had good ground for asking it, with new

and greater power. He should be ready, he could assure the noble Lord, to support any proposition of that kind he might make.

Mr. *W. O'Brien* expressed his satisfaction at the manly declaration of the noble Lord, and his admiration at the conduct of the right hon. Baronet. He exhorted the Ministers to continue to shew that they were not indifferent to the real interests of Ireland; "to be just and fear not," and he was sure they might rely on the national gratitude and on certain success.

Mr. *Hume* dissented from the whole speech of the right hon. Baronet below him, with the exception of his recommendation to Ministers to do justice to Ireland. But when the right hon. Baronet said "justice," did he mean by that to keep up the Church Establishment as at present? Were the people to submit to tithes, and Vestry Acts? Were the people to be denied the privilege of Englishmen and Scotsmen, and deprived of the power of discussion—especially as to the question of the Union—one of the greatest importance. He regretted the opinions which seemed to prevail at both sides, and he especially regretted that a meeting called for the purpose of discussing the Repeal of the Union should be denominated a revolution. He regretted that Ireland had hitherto been governed by force; and he had, in consequence, hailed the accession of the present Ministry, in the hope of their acting on the principle of conciliation. But how had they done this? Why they had been guilty of acts of which every other Ministry would have been ashamed. As a British subject his blood boiled to hear of their revolting proceedings in Ireland. He had formed very different hopes and he must express the deepest regret at the violent and arbitrary conduct of the Ministers, so different from the language they had held, recommending conciliation, when they sat on the opposition side of the House. He denied that it was in the power of Mr. O'Connell, or any man, to agitate a great country, unless that country was filled with discontent from reasonable causes. Ireland had reason to be discontented—she had been long misruled and oppressed. He recommended the Ministers to abolish the Church Establishment, to do away tithes, to recall the Lord Lieutenant, and place Ireland in a similar situation to that of Scotland, allowing her to have her own Church Establishment; and those things

would do more to pacify her, and restore tranquillity and maintain the Union, than any other measures. No danger, in his opinion, was to be dreaded from revolution or rebellion, and he was sorry to observe so manifest a disinclination on the part of the House to entertain the Union Question. He trusted that Ministers, instead of risking a civil war, would adopt the measures he recommended, leaving the Protestants merely such a provision for their religion as their numbers required. The fact was, that Ireland might as well be governed by the Dey of Algiers as under the present system; but 7,000,000 of people would not be tame enough much longer to endure it. He denied, that Mr. O'Connell's plan went to separate the two countries, but only to give a separate Legislature to Ireland for her domestic purposes, leaving the general policy of the empire to be determined by the united Legislature. He was opposed to that hon. Member, but did not comprehend the arbitrary and un-English manner which had been employed to put him down. The hon. Member concluded by entreating the Ministers to derive wisdom from experience, and now to act on the maxims they had delivered when they sat on the other side of the House.

Viscount *Palmerston* could not help rising to express the great satisfaction he felt on hearing the observations which had fallen from the hon. Baronet opposite (Sir R. Peel), as to his determination to support, not the present Administration or the present Government, but the very Constitution of the country itself. Such conduct was what might have been expected from the high mind of the right hon. Baronet. Very different, however, was the language of the hon. member for Middlesex; and he must own, that he did not anticipate even from him, such mischievous extravagance. They were now assembled but a few months after having passed the greatest act of concession ever granted by a Legislature, and yet they were told by the hon. Member, that they had trodden down those to whom they had made that concession with an "iron heel." But facts were the best refutation which could be offered to such a charge, and it might suffice for him to mention, that Ministers, at the very time when they expressed their determination to put down factious, turbulent, and designing men, were deciding upon measures from which

great benefits and advantages must necessarily accrue to Ireland. He (Lord Palmerston) denied that the noble Marquis at the head of the Irish Government had acted with precipitation in his endeavours to put down the designs and machinations of evil-disposed persons in that country. He acted with the deliberate advice and full concurrence of the British Cabinet; and not only he would be undeserving of his situation, but Ministers would merit the severest censure and condemnation, did they allow themselves to be imposed upon by the shallow artifices of any factious and rebellious plotters against the best interests of the empire. The conduct which they had lately witnessed would lead them to doubt the expediency of Catholic emancipation, if any thing could shake their conviction on that subject. But, notwithstanding the advantage which had been taken of it, Ireland, he would confidently affirm, did not desire the Repeal of the Union: he spoke not of the wretched creatures who submitted to the guidance of a demagogue, but of the intelligence, the property, and respectability of the country. He could safely state to the House, that all persons of property, and all those who had any stake, or anything to lose in the country, were opposed to the Repeal of the Union; and if, by maintaining the Legislative Union inviolate, the country must be deluged with blood, as the hon. member for Clare had stated, the guilt of the blood which would be shed, and all the disastrous consequences, must fall on the heads of those who had driven the people to acts of violence; and the Government must, in the eyes of heaven and man, stand exonerated from all blame.

Mr. Wyse, as an Irishman and Representative of a county in which this question had been frequently canvassed and discussed, begged to assure the House that he had, for the first time that night, heard of secret associations established for the purpose of procuring a Repeal of the Union, and took that opportunity, on the part of himself and those who acted with him, to disclaim all participation in such proceedings. Their deeds were before day, and under the eye of the public, and they disdained to intrigue for any political object through the medium of clandestine assemblies. He was disposed to ascribe the agitation for the Repeal of the Union in Ireland to the influence of the example of

France and Belgium; and he was sure that all his countrymen remembered the conciliatory Act of the Session before last by which he had been enabled to stand before them as the Representative of a county of Ireland. He, for one at least, but, he believed, in common with the great body of the respectable Catholics of Ireland, felt most deeply grateful for that measure of conciliation and concession to which he had just adverted. He knew, at the same time, that with respect to the Repeal of the Union, there existed a diversity of opinion, not only geographically, but morally. There were, in fact, whole districts in which the question had not, as yet, been mooted; and others, in which the opinions of the inhabitants were split and divided. He felt in the fullest degree, the honest pride resulting from popularity well-deserved; but the dearest blessing which attended popularity was the fact of its affording means of guiding and enlightening the people; but most strongly did he protest against that popular chivalry—that worst species of chivalry—which carried desolation into the bosoms of families; and which, under the sacred name of liberty, would lead to despotism; that worst species of despotism, the lawless rule of the mob, from which there was no haven.

Sir C. Wetherell was sorry that he had, by his delinquencies, put the hon. member for Clare out of humour. Now, however, as his good humour had been re-established, he trusted it would last for the next two hours. In the absence of the hon. member for Waterford, he would not commit himself by stating any arguments he would not advance in his presence; and more especially, as his trial was now pending, he would avoid saying anything respecting the law under which he was arraigned. He would content himself by observing, that on this occasion he would vote for Government, and moreover tell the hon. member for Clare, that in the catalogue of his delinquencies he had omitted the fact that the member for Boroughbridge was the framer of that Act, which the hon. member for Middlesex, using a word for which he must have steamed over to the Pigeon-house, had designated as the Algerine Act. Fearless he had ever been in his conduct, and the hon. member for Clare would see that he was equally fearless in maintaining it. He avowed himself the framer of that Act; and when the time did come, the member

for Boroughbridge would rise in his place, and with that deference to that House which he should always show, would defend the necessity and the preservative of constitutional principles of that Act, with a spirit equal to the hon. Member's own. He contended that, in supporting that law, Government were supporting a law which had been called for and wanted at the time it was enacted—a law, the non-execution of which would have been as disgraceful to Lord Anglesey as its execution was honourable to the spirit, the integrity, and character of that illustrious individual. He trusted the hon. Member would not take it ill—he knew he would not—it was quite impossible there ever could be any ill-humour between them again—he trusted the hon. member for Clare would not take it ill if he expressed his regret that he had not been wrong about the Catholic Question. It was really startling to hear from that hon. Member, that now nothing but a disunion between the two countries could save both from a civil war; when only eighteen months before, he had been told, that Emancipation was to be the healer of all sores, and the preventive of all evils. He hoped, however, that the measure was not so completely gone—so perfectly *functus officio*—so effete as the hon. Member seemed to think. He never could admit such a monstrosity in argument, as that the only means of avoiding a civil war was to be found in the Repeal of the Relief Bill, and of the Union Bill—in the dissevering of England and Ireland. This was not a question of Whig and Tory—of those who sat on that side of the House, or those who sat on the other. It was not a question of parties in the State, but of the whole State—of the country at large, and the just authority of Government. He would now resume his place, stating, that, although an occasion might by-and-by occur when he should not be able to give his assistance to Government upon a question which was not one respecting the Executive Administration, yet that he now most cordially tendered it his support, and acknowledged that on this question the noble Earl at the head of the Government had redeemed fully, completely, truly, and honourably, one of the pledges which he had given elsewhere;—viz. that he (Lord Grey) would fully maintain the executive power in Ireland. From what had fallen from the noble Lord opposite, he was justified in concluding that

Lord Anglesey had acted with the privity and advice of the British Cabinet; and therefore he admitted the noble Earl had maintained his proposition, when he stated that he would support the just authority of the Crown. He also allowed that the noble Earl had maintained another of his pledges, relating to the disturbances at home; that noble Earl had declared, that he would maintain the power of the law in the disturbed districts, and the effect produced by the Special Commissions fully proved that he had succeeded in performing the task which he had so spiritedly undertaken. He had no objection to the production of the papers moved for. He thought that the hon. Member seemed to acknowledge they were only a peg to hang a speech on. He rejoiced, however, that the speech had been made, since it gave many persons, and, among the rest, the member for Boroughbridge, an opportunity of recording their opinions, and clearly showed, that on this vital question all parties were united and ready to maintain the just prerogatives of the Crown, and the constitutional exercise of them unimpaired.

Sir *F. Durdett* remarked, that the Government was in an awkward predicament, and that the hon. Member near him and others, who, like him, professed to support it, pursued a line of conduct calculated to cause it much annoyance. If they called that backing their friends (a plague on such backing!), he would only say, the Government would find more difficulty in avoiding these side attacks than any fair and adverse Motions which might be brought to bear on it by declared opponents. He compared the indiscriminate attack of the hon. member for Clare on all men and all parties in that House, to the conduct of one of his own countrymen at a fair, who laid about with his stick, breaking, indiscriminately, the heads of friends and foes. Long as was the speech of that hon. Member, it was difficult to pick out any one thing which admitted or required an answer. There was simply a string of general remarks, in which he reflected on Irishmen, the best friends of Ireland, and on the Whigs of England, who had fought the battles of the Catholics for half a century, and thereby precluded themselves from the enjoyment of Office, and those stations which were an object of ambition to all honourable men. From what had fallen from the hon. Member, it would

appear, that Dean Swift's assertion, "that what was true everywhere else was not so in Ireland," was well founded; and it would even seem, that words bore a different signification in Ireland from what they did every where else, and therefore, when Irish Catholics talked of gratitude without end, they must have meant gratitude without a beginning. He must say, that he had never heard anything with more surprise than the tirade of the hon. member for Clare against the Whigs, which has re-echoed from the great agitator at the other side of the water.

O'Gorman Mahon: That is not right—it is not so.

Sir *F. Burdett*, after explaining to the hon. Member, proceeded to contend that benefit had resulted from the Catholic Relief Bill, and that they felt it. Mr. O'Connell could not now agitate Ireland as he had before agitated it. He had advocated the claims of the Catholics to equal rights, because he thought their claims were just, and feeling this, he did not know if he should have waited to consider the policy of conceding them, although he thought that policy and justice always went hand in hand. It was to be remembered, that Ireland was not all Catholic, and that the whole body of the Protestants, and the most respectable and influential portion of the Roman Catholics, would be found in the hour of trial ready to assist the whole of the Protestants, and the whole of the Catholics of England, in maintaining inviolate the Union between the kingdoms, the Constitution of the country, and the safety of the empire, if it were invaded. The difference between us and the Irish agitators was this; that whereas in England we had discussion before decision—in Ireland they had decision first, and discussion afterwards. Like the Irish gentleman in the play, they said, "Oh! a pretty sort of thing indeed to explain—no, let us fight first, and hear the explanation afterwards." The cry of the Repeal of the Union was general among the people of Ireland. Among the lower classes there, the phrases "Union," and "Repeal of Union," were indifferently applied, for they did not know what was meant by either of them. The people of Ireland were suffering from distress, no doubt; and as they were told by Mr. O'Connell that the Repeal of the Union would give them food and clothing, of course they wished to have food and clothing. He was sure that what the

Marquis of Anglesey had done, had been done with the best intentions. He had full confidence in that noble Marquis, who possessed a sound understanding to guide him, and liberal feelings by which to direct his conduct. To the Irish the noble Marquis had shown himself decidedly attached—for their interests he had laboured with earnestness and zeal, and the Irish must have short memories indeed, or else they would know and remember what sacrifices he had made for them. The noble Marquis, who but a short time ago was so much lauded among them, had sacrificed in the pursuit of what he considered to be their advantages not only all the ordinary objects of ambition, but a friendship, that from its length and intimacy must have been peculiarly dear to him: he had sacrificed the friendship of the late King, with whom he had been bound in ties of early and long-continued friendship. It was he who was the real Liberator of the Catholics of Ireland, and to him the gratitude of the Catholics was really due. The hon. member for Clare professed his anxiety to preserve the peace and union (the moral union at least) of the two countries, and yet he did nothing but threaten them with separation and hostility. His voice might be the voice of Jacob, but his hand was the hand of Esau; he was like the rowers on the Thames, who looked one way while they rowed another. It was possible, that, like them, he might get successfully to his journey's end, but it was much to be feared that in this respect the comparison between them could not be maintained. Like the Earl of Dorset, in the time of Charles 2nd, he might be "the best tempered man," but certainly, like that noble Earl, he had "the worst tempered muse;" for while he professed peace, he made the strongest demonstration of hostility. It was true, lamentably true, that Ireland now suffered under many evils; but what was the cause of them? There was one authority on that subject to which the hon. member for Clare could not possibly object—he meant Dr. Doyle, who distinctly attributed the present evils of Ireland to the unsettled state of the people, to the evils of agitation. He said, as an Englishman, that there was no subject which had occupied more time, or had more interested the feelings of that House, than the happiness of Ireland, and that the Government was equally as anxious to

promote her welfare as that of England. It was a vulgar prejudice to suppose that Englishmen were not interested in that subject, because, forsooth, Ireland had once been a separate kingdom—he begged pardon, not one kingdom, but five kingdoms in one—and because there might be now five Kings of that country, all with a perfect claim to the Throne; or, in other words, the claim of one was as good as the claim of the other. He had no objection to the discussion of this question; but he did not call that discussion, which was the mere stringing together of declamatory words and phrases. Yet that was the discussion given by Mr. O'Connell, who now abused the Marquis of Anglesey, though, not long ago, when the trammels were not taken off him, and when the noble Marquis was trying to take them off, he had been the fawning encomiast of the noble Marquis. He begged to remind the hon. Member, that Catholic Emancipation had been granted on the ground that the Union of the two countries made the measure safe and practicable; and he was sure, that if the Irish were asked whether they would have the Union with Emancipation, or the Repeal of the Union without it, he was sure they would answer, *una voce*, "Give us Emancipation and the Union," [*O'Gorman Mahon*: no!] He was sorry to say, that he was unfortunate enough to be so old that he could recollect such to be the prevailing opinion of the day when the Union was effected. The Irish Agitators rendered the discussion of this question impossible, at least at the present moment; or, if not absolutely impossible, at least only possible in that House. There let them introduce the question. If it would really benefit Ireland, Englishmen had a true interest in carrying it. They had, indeed, a stronger interest than Irish gentlemen, for these were not so heavily taxed; and the system of sub-letting, which saved them from the evils under which English gentlemen now laboured, were really the cause of the evils of Ireland. That system produced misery there, and drove the peasantry of that country into this, where they overburthened the market for labour, till our own peasantry were utterly thrown out of employment. The hon. Baronet then made some remarks in reply to the hon. member for Preston, and his attempts to settle a higher rate of wages for the workmen at Overton than the farmers could give, and entered

into a dissertation on the circumstances which determined the rate of wages, which he said, were supply and demand. Like every body else he wished to see the comforts of the labourers increased, but Legislation could do no good by tampering with the rate of wages. In conclusion, the hon. Baronet repeated his wish for the discussion of the Union Question, but declared, it could never be fairly and satisfactorily discussed under circumstances of universal agitation.

Mr. *Hunt* dissented from the views of the hon. Baronet, and thought he would have acted a more manly part to have waited till the hon. member for Waterford was in the House before he had made many of his observations. Both the hon. Baronet and the noble Lord, the Chancellor of the Exchequer, had threatened Ireland. The hon. member for Clare had stated, as he understood, that discussion was at an end; and how? Why by the proclamation issued by the Lord Lieutenant; and yet the hon. member for Westminster taunted the Irish, and the hon. member for Waterford, for putting off discussion till after decision, when it was the Government which would allow no discussion. It was like knocking a man down, and reproaching him with not keeping firm on his legs. He begged leave to caution the Ministers against the use of threats; he cautioned them how they allowed themselves to be hallooed on by the inflammatory speeches of the hon. members for Tamworth and Boroughbridge, for he was sure the Government had no power to execute such threats, and quite certain that the people would not submit to them. He recommended Ministers to abolish taxes and tithes, and curtail the Church Establishment of Ireland, if they did not entirely destroy it, and they would make the people so happy that threats would not be required, and they would never hear again of the Repeal of the Union.

O'Gorman Mahon replied. He denied that there had ever been a pledge given by the Catholic body not to agitate the question of the Repeal of the Union, in case Emancipation were granted. On the contrary, ten years ago, the Catholic body, forgetting the grievous wrongs under which they personally suffered, proposed to the Orangemen to unite with them for the Repeal of the Union, and to leave their own injuries for the redress of an Irish Parliament. What the people of Ireland

now wanted, and what they were determined at all risks to have, was, equal laws and equal rights with the people of England. Had they this at present? Englishmen, recollect that the King's deputy's deputy can do at this moment in Ireland that which the King himself cannot do in England, for he could suppress discussion upon whatever subjects he pleased. The noble Secretary for Foreign Affairs had dared to tell the people of Ireland that, if they ventured to seek the restoration of their national freedom and independence by force, the blood which would inevitably flow in the struggle must be on the heads of the Agitators. He said, no; the blood must be on the heads of the people of England, who refused the people of Ireland their rights, and acted, as they always had done, like tyrants in that country. He was sure that till lately the appeal to force for the Repeal of the Union was the last thing which the people of Ireland dreamt of. Whether that would be the case after the declaration made by the English Ministry that night, he would not venture to determine. This only he would say, if blood were shed, the guilt of that blood must be on the Ministry of England.—“But this I tell you, Englishmen, you will have enough to do abroad, without breaking your spears on the bodies of us Irishmen, who have neither forgotten nor forgiven the days of 98.” He repeated a third time, that if blood should be shed in the struggle for the Repeal of the Union, the guilt of it would be on the English Ministry, not on the Irish people, who were determined never to succumb to their tyranny.

Motion agreed to.

HOUSE OF LORDS.

Wednesday, Feb. 9, 1831.

MINUTES.] Petitions presented. By the Earl of ROSSLYN, from the Procurators of Perth, complaining of losses they suffered by an alteration of the law, and praying for the Repeal of the Stamp Duties on their Indentures and other documents. By Lord BOSTON, from Carnarvon, complaining of an unjust Tax imposed on Slates. By Lord WHARNCLIFFE, from the Ward of Bridge, for the Repeal of the Duty on Sea-borne Coals:—By Lord FARNHAM, from the City of Bristol, with a similar prayer; also complaining of the privileges granted to the Port of Newport.

HOUSE OF COMMONS,

Wednesday, Feb. 9, 1831.

MINUTES.] A new Writ was ordered to be issued for the Borough of Newark-on-Trent, in the room of HENRY

WILLOUGHBY, Esq., who had accepted the Stewardship of the Chiltern Hundreds.

Returns ordered. On the Motion of Mr. W. WHITMORE, several respecting the trade with the East Indies and China:—On the Motion of Lord LOWTHER, of the quantity of Tobacco imported into the United Kingdom in 1828, 1829, and 1830, stating the places whence it is imported:—On the Motion of Mr. NORTE, the number of Protestant Tradesmen admitted to the Freedom of the Town of Galway, during the last ten years.

Petitions presented. In favour of Reform, by Mr. STRUTT, three from Belper, Duffield, and Holbrook, in the County of Derby:—By Mr. PHILLIPPS, from the City of Gloucester, signed by 800 Householders:—By Mr. HUNT, three from Stockport; and from Bullock Smithy, in Cheshire:—By Lord F. OSBORNE, from Little Shelford; from Great Shelford; and other parishes in the County of Cambridge:—By Mr. WRIGHTSON, from Hull:—By Mr. WARBURTON, from Burton Bridstock, in the County of Dorset:—By Mr. PORTMAN, from Sherborne:—By Lord EBRINGTON, several from Leominster, Bea, Ashburton, and other places in the County of Dorset:—By the Marquis of BLANDFORD, from the Political Union of Kidderminster:—By Mr. GUEST, from Swindon:—By Sir W. GUISE, from Chipping Sudbury:—By Mr. PENDARVIS, from Bodmin, Launceston, Truro, and various parishes in the County of Cornwall:—By Lord W. POWLETT, from Durham (County). For a Repeal of the Duties on Sea-borne Coal, by the same noble Lord, from the same place:—By Lord J. STUART, from a parish in Glamorganshire:—By Mr. RUMBOLD, from North Yarmouth:—By Mr. PORTMAN, from Blandford. By Lord E. SOMERSET, from Northleach, for the Repeal of the Malt Duty. For an Amelioration of the Criminal Code, by Lord W. POWLETT, from Stockton. For a general Fast, by General O'NEIL, from Antrim:—By Mr. CURTEIS, from Westham, in Sussex:—

[The hon. Gentleman took the opportunity of expressing his approbation of the conduct of his Majesty's present Government in respect to Ireland, and his hope that their measures would be attended with success.]

By Lord MORPETH, from Horsley:—By Mr. J. SMITH, from Slindon, Sussex. For the Repeal of the Duty on Printed Cottons, by Lord STANLEY, three from different bodies of Calico Printers in Lancashire, and from a body of Bleachers in Manchester:—By Mr. W. PATTEN, from Sunnyside and Burnley. By Mr. B. CARTER, from Colonel De Lacy Evans, and Benjamin Smith, Esq., who, on the 17th of November, had presented a Petition, complaining of an undue Return for the Borough of Rye, praying for leave to withdraw the Petition.—The order for taking it into consideration discharged. For a reduction of Taxation, by Lord MORPETH, from Stanfield, Yorkshire. For a Repeal of the Assessed Taxes, by the same noble Lord, from Shepley:—By Sir W. GUISE, from Stroud:—By Mr. HART DAVIS, from St. Stephens, Bristol. For the Repeal of the Stamp Duties on Newspapers, by Sir J. GRAHAM, from Carlisle.

PRINTING OF PETITIONS.] Mr. Hughes presented a Petition, praying the Abolition of Slavery, from an Episcopal Chapel in London-street, Fitzroy-square, and moved that it be printed.

General Gascoyne said, he believed it was now a rule of the House, that petitions of this nature, of which the House had already received a great number, should not be printed.

Mr. Hughes observed, that he every evening heard an order passed for the

printing of the petitions presented to the House, and he did not know why the petitions he was intrusted with should not have the same privilege.

The *Speaker* thought it necessary to say, that both the hon. Members laboured under some misapprehension of the course pursued with respect to petitions. There was no rule of the House which forbade the printing of petitions of this description; but there was a general understanding, that the Members were not to require the printing of petitions which contained nothing in statement or in prayer different from the many which had been already presented, and a number of which, having been printed, were in the knowledge of the House. The understanding was, that petitions on subjects of this kind were not to be printed when there were so many others, on matters of great importance, which it was necessary should be printed.

Mr. *Hughes Hughes* said, he had a great number of these petitions to present. He had been asked that day how many of 2,000 he could take charge of; and if they were not to be printed, he must read them to the House.

The *Speaker* said, he was sure the hon. Member would not persist in that course, when he was told it would be very irregular. The hon. Member might read extracts of the petitions if they contained new matter, but he could not, without leave of the House, read the petition itself.

Mr. *Hughes Hughes* thought, the petition he had now presented contained sentiments which should be made known, and he therefore moved that it be printed.

General *Gascoyne* said, he must oppose that Motion.

The *Speaker* asked, who seconded the Motion.

No Member answered, and the Motion was not put.

THE ROTUNDA MEETINGS, AND MR. O'CONNELL.] Mr. *Hunt* presented a Petition from a person named Hetherington, the Chairman of one of the Rotunda meetings, who, in behalf of the persons assembled, expressed the conviction, that the persecution of Mr. O'Connell by the Government would increase, rather than allay, the disturbances of Ireland. The hon. Member, in supporting the petition, took occasion to disclaim all connection

with the meetings held by Mr. Taylor, Mr. Carlile, and Mr. Jones; and having condemned the cold-blooded policy which the noble Lord (Althorp) had expressed himself willing to adopt towards Ireland, when he uttered the threat, that he was ready to support a civil war rather than suffer the dismemberment of the empire, he declared, he was satisfied that no jury, except a jury packed by the Government, could ever pronounce a verdict of guilty against the patriot Daniel O'Connell.

Mr. *North*, although unwilling to raise a discussion on a petition of this kind, could not allow the observations of the hon. Member, with respect to the Government juries in Ireland, to pass without notice. He (Mr. North) had twice, in his professional life, had occasion to form a judgment of the merits of those juries. Once, when Dr. Sheridan was tried and acquitted, and a second time, when certain persons, in 1822, were charged with a conspiracy, and the jury could not agree in their verdict; on these occasions, as well as on many others, the juries of Ireland had proved themselves as honest, independent, and virtuous, as any number of men who could be collected; and he trusted that such instances would satisfy the hon. Member, as well as those to whose attention such suggestions were directed out of doors, that it was not so easy to pack juries in Ireland as some were led to imagine.

Mr. *Leader* lamented the occurrences which had given rise to the prosecutions, but expressed his pleasure to hear that the question was not to be determined by a tribunal which united judge and jury in itself.

Lord *Stanley*, advertent to the language of the member for Preston, with reference to the expressions used by the noble Lord (Althorp) last night, said, that in the absence of that noble Lord, he, as one of those present most closely connected with him and the Government, felt bound to express his surprise that any one could interpret the expression of the noble Lord into a threat of having recourse to civil war. On the contrary, he distinctly understood the noble Lord to say, that, much as he abhorred civil war, he preferred the dreadful chance of civil war to the dismemberment of the empire.

Mr. *Hunt* said, he had been called on to explain or to apologise for an expression he had used with reference to the lan-

guage of the noble Lord (Althorp) last night. Now, he recollected these expressions well, and he knew, and had said so at the time that they, as well as those used by the other noble Lord (Lord Palmerston) bore the construction which he had put on them. It was true that the member for Clare had held out a threat, that if this country refused to suffer the question of a separation to be discussed, the people of Ireland would plunge into a civil war. Well, the member for Clare had asserted, that if they did not agree to a separation, they would have civil war. The noble Lord had probably put forward his threat in reply to that; but he repeated, that he regretted the use of such threats, and he regretted it the more, as he said at the time, because the right hon. Baronet (Sir R. Peel), and the hon. member for Boroughbridge (Sir Charles Wetherell), had both hallooed the Ministers on to let slip the dogs of war. He cautioned the Ministers against being misled by these cheers, and he repeated that caution now; but he begged to say, with all his desire to respect the House and its forms, that he could not withdraw what he had said. As to the petition before the House, although it bore the signature of but one person, it was as good as if it had ten thousand, for, from what he had seen, all the petitions appeared to go into that gentleman's bag [*pointing to the Clerk*] under the Table, and were out of sight in an instant.

Lord Stanley said, he could not abstain from repeating his conviction, that the noble Lord (Lord Althorp) merely alluded to his being willing to prefer the dreadful chances of civil war in Ireland to the dismemberment of the empire. This was his recollection of the noble Lord's expressions; and although he was present during the whole of the evening, he did not recollect that the member for Preston accused him of using a threat.

DISSECTIONS.] Colonel Lygon presented a Petition from the Surgical and Medical Society of Westminster, praying for the removal of all difficulties in the way of obtaining Subjects for Dissection.

Mr. Warburton said, that it was not his intention to renew his bill in the present Session, but that he had not relinquished the subject, and would probably bring in a bill respecting it in the next Session of Parliament.

Mr. Hunt observed, that if he should

continue to have the honour of a seat in the House when the hon. Gentleman introduced his bill, he would, if a clause were proposed to devote the bodies of poor persons to dissection, move, that every young surgeon, before he was allowed to touch a dissecting-knife, should sign an instrument, giving up his own body after death to the same operation. If it should be proposed to devote the bodies of poor paupers to dissection, he should move to add the bodies of those rich paupers, the pensioners on the Civil List.

REGISTRATION OF DEEDS BILL.] Lord W. Powlett presented a Petition from certain landholders in the neighbourhood of Stockton, praying that the Registration of Deeds Bill might not pass into a law.

Mr. John Campbell said, that gross misrepresentations had gone forth respecting the nature of his Bill. It was opposed by those who had an interest in defeating it; and to attain their object, they represented it to have a retrospective effect, and as calculated to give to many persons great inconvenience, and cause them great trouble. It had no retrospective operation whatever; and its prospective operation would be unattended with the slightest inconvenience.

Lord Morpeth could assure the hon. Member, that the measure was opposed by a great many parties who had no sinister interest to serve by the opposition.

Sir M. W. Ridley said, that he objected to the Bill and should certainly oppose it.

Sir J. Wrottesley thought the hon. and learned Gentleman deserved the thanks of all landed proprietors for his endeavours to lessen the cost of conveyancing.

Petition to lie on the Table.

PARLIAMENTARY REFORM.] Sir James Graham presented a Petition from the rate-payers of Carlisle for Reform in Parliament.

Mr. Philip Henry Howard supported the Petition. Though the prayer of the householders might appear to militate against the interests of those he represented, yet he was sure that the freemen of Carlisle would never wish to stand in the way of the general good. He looked anxiously forward to Reform, because all orders of the State would reap advantages from it; but he looked forward to its being proposed by the Sovereign, for, unless it came from him, it was not likely to be con-

ducted to a happy issue. Without a Reform there could be no equality among the Peers, who ought not to interfere with the elections of that House, and without Reform the Commons could not be an integral part of the British empire. He dissented from the petitioners on the subject of Ballot, because that mode of election had often been a cloak to injustice. It was introduced into the elective and judicial proceedings in Greece, and had fostered there intrigue and duplicity. It was known in Rome in the year 614, having been then first introduced, by the Tribune Gabinus, into the *leges tabellariæ* for the election of Magistrates. Cassius adopted it, of whom Cicero said, that he was fond of following every fashionable whim of the day. Papirius Carbo extended it to legislation, and he was accustomed, says Cicero, to aver "*Se ut Populum condemnaret no-cuisse Reipublicæ.*" Such was the history of the Ballot in Rome, it begun in turbulence, and was consummated in revenge. Corruption thickened under its influence till Cæsar trampled on the liberties of his country. Gibbon remarked, "that a new method of secret ballot abolished the influence of fear and shame, of honour and interest, and the abuse of freedom accelerated the progress of anarchy and despotism. The Romans had aspired to be equal, and they were levelled by the equality of servitude." He doubted if the Ballot were known to the free States of Italy, or in the free constitution of the Saxon ancestors of our countrymen. In Germany, certainly, the Emperors, and in Poland, the Kings, were long elected by open voting, and he believed, with the hon. member for Southwark, that the use of the Ballot in America had led to much corruption. He saw much to admire in France, and something to envy, but what he admired and envied was mingled with so much of levity, impiety, and profaneness, that he wished not to borrow even what he admired, for fear of importing what he dreaded. He looked to the improvement of our own institutions to place liberty on a secure basis, and it was not in their spirit to adopt the principle of secret voting. He had confidence in the Administration, and he trusted that they would neither embroil the nation in unnecessary conflicts, nor suffer its honour to be tarnished.

Mr. Warburton reminded the hon. Member, that the passage he had quoted from Cicero was part of a dialogue, and

therefore, perhaps, it did not express the real sentiments of that great man.

Sir Charles Wetherell confirmed the hon. member for Carlisle's (Mr. Howard's) statements, and added, that in Sparta, at first, the Ballot did not exist, and was only introduced when the government became corrupt.

Mr. Hunt cordially supported the petition, and was sure, whatever the hon. and learned Member might think, that the Ballot was necessary to satisfy the people.

Petition to lie on the Table.

HOUSE OF LORDS,

Thursday, Feb. 10, 1831.

MINUTES.] Petitions presented. For the Abolition of Slavery, by Lord DE DUNSTANVILLE, from Penryn:—By Lord SUFFIELD, from Gillingham and Cromer:—By the Marquis of LONDONDERRY, from Kilrea:—By Lord DACRE, from Clavering. In favour of Reform, and complaining of Distress, by the Earl of CARLISLE, from a place in Yorkshire:—By the Earl of RADNOR, from Sommerville, Lancashire; from Blairgowrie, Perth, and Bath:—By the Earl of WINCHILSEA, from Sutton Valence, Kent.

[The noble Earl stated, he could not agree to that part of the Petition which asked for Ballot; and he hoped the time would never arrive when an Englishman could not fearlessly give his vote. The Ballot, he thought, would cause more corruption than existed even at present.]

For the extension of the Elective Franchise in Galway, by the Duke of BUCKINGHAM, from the Foreman of the Grand Jury of Galway:—By the Earl of WINCHILSEA, from Rahoon, Galway. For the Repeal of the Duty on Sea-borne Coals, by Lord DACRE, from Selby, Yorkshire:—By the Earl of WINCHILSEA, from New Romney.

[The noble Earl stated, that he hoped a tax which added so much to the price of a necessary of life, that was already subject to a heavy expense for carriage, would be repealed.]

For the Repeal of the Assessed Taxes, by the same noble Earl, from Slaithwaite-cum-Lingards, in the West Riding of Yorkshire:—By Lord STOURTON, from Wetherby, in Yorkshire, to the same effect.

ABOLITION OF SLAVERY.] The Duke of Buckingham presented a Petition from the Merchants of Dublin, praying that their Lordships would pause and deliberate well before, in these times of agitation, they passed any measures for the emancipation of the slaves. He agreed in the prayer of the petition. Neither he nor the petitioners advocated slavery; but he and they both thought, that too much care could not be taken in giving rights to uneducated men, such as their Lordships possessed themselves. In the pre-

sent uneducated state of the slave population of the West Indies, they were unable to enjoy freedom.

Lord *Calthorpe* complained of the conduct of the colonial legislators not having acted upon the recommendations of Parliament, and he thought they ought now to be enforced. It was seven years since the two Houses of Parliament unanimously resolved, that the slaves should receive those blessings of education that were to fit them for liberty; and why the execution of them had been withheld, it was for those persons to explain, who yet petitioned against emancipation. It was the duty of Parliament not to allow its just and humane plans to be frustrated by the colonial assemblies.

The Duke of *Buckingham* did not wish to enter into a discussion of the question; but he heartily wished that the Government would take up the subject, and not leave it in the hands of interested persons.

Lord *Suffield* said, that as long as the people were kept in slavery, it was impossible they should obtain that education which would fit them for the enjoyment of freedom.

REPEAL OF THE UNION.] The Earl of *Radnor* presented Petitions from the Tobacco Pipe makers of Dublin, and from a parish in Queen's County, praying for a Repeal of the Union. The noble Earl, in presenting these petitions, expressed his regret that the people should have such ideas. He could not conceive how any persons could suppose any advantages would result to either England or Ireland from the Repeal; but as these people had such opinions, and chose to make him the organ of presenting their petitions—though he did not know why—he could not do otherwise than present them. He repeated, however, that it appeared to him unaccountable how any persons could expect any good from such a measure as the Repeal of the Union. In his opinion, the Repeal would lead to the most serious calamities. He had done his duty in presenting the petitions, but he could not avoid regretting that petitions of that nature were presented.

The Marquis of *Londonderry* congratulated the country and himself on hearing the sentiments of the noble Earl, which, he was sure, were common to the great body of intelligent people in Ireland. He relied on the good sense of the middle

classes, and of the large resident land-proprietors,—who were really looked up to, and who, alone, possessed good sense to form a sound judgment on this subject,—to bring back tranquillity to Ireland. He heartily rejoiced at the vigorous measures of his Majesty's Government, and praised that act of the late Ministers which enabled the Government to act as it had done. He was sure that the people of Ireland could not approve of the monstrous and atrocious proceedings of some persons in Ireland.

The Duke of *Buckingham*, in order to illustrate how these petitions were got up, remarked, that all the signatures to the first of them were the same, except the two first.

The Earl of *Radnor*, after examining the petition, expressed a different opinion from the noble Duke. The hand-writings were very various. The noble Earl also read a passage of the petition, which spoke of Ireland being the bulwark of the Constitution, the rendezvous of Great Britain, and the granary of the world, while Ireland was very miserable, to show that the petition was not the work of any very well-informed men, and most likely proceeded from those who signed it.

TITHES.] Lord *King*, on presenting some more Tithe Petitions, wished to suggest to the right rev. Prelates, that they would act prudently, under the excited state of public feeling, if they would inform the country, not his Lordship, what was the plan they intended to propose. That would tend to allay the irritation of the people, and the country would know what it had to look to. He submitted that to the consideration of the right rev. Prelates. When he first presented a petition to their Lordships on the subject of tithes, on Monday, he believed he stated, that he would argue the question solely as a simple political economist, and he had not made a single observation on many of the questions which had attracted attention. He had not said one word about pluralities, nor one word about non-residence—the whole of those subjects had been brought forward by the over-zeal of a right rev. Prelate in defending the Church. That right rev. Prelate had charged the lay patrons with being the cause of non-residence, and had provoked the whole discussion. The right rev. Prelate said, that they had

smothered a bill for preventing non-residence; but when his noble friend (the Earl of Radnor) asked the right rev. Prelate to specify the bill, he had not given a very satisfactory account. He believed that he could give a better account than was given by the right rev. Prelate. He was old enough to remember, that about twenty-five years ago, an attorney excited a great sensation by the number of *qui tam* actions he brought to recover the penalties of a great number of clergymen, for non-residence. It was necessary to check these actions; they were an attack on the Church in the tenderest part. Chancellors and lawyers, and civilians and clergymen, were all consulted how to prevent these *qui tam* actions. The informations were laid, no doubt, for the penalties, and the informer had laid them equally against persons who were altogether absent from their parishes, and against those who resided in their parishes, but did not live in the parsonage. This was an error. The learned lawyers, civilians, and Chancellors smote their foreheads to find out how they might relieve the Church from the terror of these proceedings, and they suggested the means. Sir William Scott, he believed, brought a bill into the other House, by which the *qui tams* were to be put an end to. The bill was sent down to Oxford, to receive the suggestions of that learned body for its improvement, and in order to render it more effectual. The bill purported to be a bill to make the clergy reside; the real object of it was, to allow them to be non-resident; and no bill, he believed, had ever more effectually answered its real purpose. The lay patrons were accused of causing the non-residence, but there was no reason to believe from the *qui tam* actions that only their incumbents failed to reside. He believed that it was found, that as many non-residents were among the dignitaries of the Church as among the incumbents who derived their situations from lay patrons. He remembered, that the bill he had alluded to was opposed very much by a Noble Earl, then in the other House, who was as much distinguished for his zeal against the Curates' bill, as he was since distinguished in that House for his zealous support of all measures of reforming corrupt boroughs. That noble Earl had then fought with him in the good cause, night after night, and hit hard at abuses—very hard—harder than he now hit the reform-

ers, though he had snapped at his (Lord King's) fingers the other night. He did not now hit so hard as formerly. The right rev. Prelate had charged the laymen with being the cause of non-residence, and he hoped, therefore, that the right rev. Prelate would agree to a return of all persons holding pluralities, distinguishing whether they were held under lay or ecclesiastical patronage, including ecclesiastical Corporations. Such a return would show whether more pluralities were held under lay or under ecclesiastical patronage, and their Lordships would see which class was most deserving of the accusation of causing non-residence. It was said, as a sort of excuse for pluralities, that they would greatly increase the number of Curates. The Curates resided, and not the incumbents. It was said, too, that the Curates did the duty as well as the incumbents. But what lesson did that teach the public? It was admitted, that the duty was as well done by the Curates for one quarter of the salary. The public would be apt to apply to ecclesiastical offices the principle that was now acted on in civil offices, where it was found that the deputy did all the duty; namely, to abolish the principal office, and retain only the deputy. It was a dangerous lesson to teach the public, that the Curates did the duties of the Church better than the incumbents, at one-fourth of the salary. With respect to residence, he must say, that he highly approved of the charge of the Bishop of Winchester, who spoke of a benefice without a resident incumbent, as an ecclesiastical solecism, and as an abuse which both clergy and laity were called upon to prevent. The charge of the right rev. Prelate did him great credit. He objected to tithes as a mode of paying the clergy. They were instituted in a barbarous age, when the state of society was different from its present state, and though tithes might be suitable then, they were unsuitable now. They might suit such a country as Poland, where the land was ploughed, and then left to the care of nature to restore to it what the agriculturist had taken from it. Tithes impeded agriculture—they prevented the application of capital to land; and there was no property more prejudicial than a tax on gross produce. No jury of twelve men would say, that any greater benefit could be conferred on the country than a commutation of tithes. He would read to

their Lordships an opinion of a gentleman—a very sensible man—as to property; he was a Republican, and therefore his opinion on some subjects would not be much valued by their Lordships; but Republicans liked property as well as other men. That author observed, “that if there be one natural right recognised by all, it is the right of each succeeding generation to the earth and all its produce, and it is only inherited by private persons under the laws for the good of society.” That was Jefferson’s opinion, who had placed property on a true foundation. For himself he objected to tithes, that they diminished produce, and diminished the beneficial effects of the right of property. The noble Lord concluded by presenting a petition from Tyd St. Giles, Ely, for an alteration in the Tithe-system.

The Duke of *Buckingham* required, that the petition should be read.

The Clerk read it “a Petition for the Repeal of the Assessed Taxes” [*a laugh*].

Lord *King* required, that the petition should be read further; and it appeared also to be a petition for a Commutation of Tithes.

The Earl of *Winchelsea* was disposed readily to extend to other noble Lords that indulgence for any difference of sentiment which he himself had frequently received at the hands of their Lordships; but, often as such indulgence had been granted to him, he felt that he had no other claim to it than the sincerity with which he had always delivered his sentiments. Viewing the conduct of the noble Baron, as it was shown by his attacks on tithes, night after night, and particularly his observations on the Established Church of the country, he was constrained to say, that he could not give him the credit of sincerity in the professions he continually made, of intending, by his observations, to promote the interest of the Church. In presenting the petition, the noble Lord had permitted himself to make some unwarrantable personal attacks on some of the most respectable Prelates of the Church. He had made repeated attacks on that Church, and had always spoken in the most contemptuous manner of the Church Establishment, since he had had a seat in the House. The noble Baron, too, had spoken contemptuously of everything connected with religion, which made it doubtful whether, as the noble Baron could see nothing good in the Established

Church, he meant to correct abuses. Whatever the noble Baron might say of the effects of religion, in his humble judgment the clergy of the Established Church were a most respectable class of men; and he maintained, that religion was the only sure ground for private virtue and public honesty. It was a proper complaint of a right rev. Prelate, on the other evening, that the noble Baron brought forward no measure of his own. He had spoken of all sorts of abuses; of tithes, of non-residence, of pluralities; and had gone into all sorts of questions connected with the Church. It was high time that the noble Lord’s attacks, which might cause a pernicious effect if they remained unanswered, should be noticed; and he, for one, was determined not to allow attacks to be unanswered which he believed to be most injurious to the best interests of the Church and the country. He agreed cordially with the observations made by the noble Earl (*Carnarvon*) the night before last; and he hoped that the good advice of that noble Earl would have been received by the noble Baron as it deserved. He agreed with the noble Earl, that no individual could trace the conduct of the Established Church for the last twenty years, without being convinced that it had made very great improvements, owing to the exertions of the members of the Bench to enforce the residence of the inferior clergy. He was convinced that the clergymen of the Established Church stood as high in general estimation as the clergymen of any Church in the world. Would to God that the upper classes possessed an equal influence! He spoke not of the influence of wealth, but of that influence which was founded on character; and he heartily wished that the upper classes possessed as much influence of that kind as the clergy were proved to possess in the late disturbed districts, among the misguided peasantry. He would only add, that he would not stand up for abuses, and was prepared to say, that many alterations might take place to improve the Church; but he had no doubt, from the exertions already made by the members of the Bench, that the individuals of that body would correct abuses, and would place the Established Church on the very best footing. He would not sit in that House and hear attacks made on that Church without replying to them; and though he was an inefficient defender, practice

might enable him to meet the noble Baron. If the noble Baron brought forward any measure, he would pay as much attention to it as was proper; but he would not silently hear his attacks.

Lord King proceeded to say, that he rose to repel one of the most disorderly attacks ever made in that House, and which was founded entirely on a misrepresentation of what he had said. The noble Earl inferred from his presenting petitions, that he attacked the Church night after night. What did he really do? He stated on the first night of presenting these petitions, that he would confine his observations to a political economical statement. He began by saying that, and every other part of the subject, had been brought before their Lordships by the over-zeal of a right rev. Prelate to defend the Church, and accuse laymen of all its errors. He had looked into the papers which usually report the proceedings of that House very correctly, and he had not found one word about pluralities, or non-residence, or about anything but political economy. The noble Earl assumed, then, that he had introduced these other subjects.

The Duke of *Buckingham* rose to order. It was very disorderly to refer to notes or reports of a former evening, with a view to reply to another speech. That was most disorderly.

Lord King: If their Lordships decided that he was disorderly, he must admit that he was; but he thought that he might exculpate himself from an attack founded on misrepresentation. He had merely said, that the first time he had brought the subject before their Lordships, he had not adverted to non-residence, or pluralities; and he did not see how this was disorderly. The object he had in view, as he stated, was, to discuss no other subject than the mischief caused by tithes as a species of property. He wished to confine himself to that alone. He complained that the noble Earl should have misrepresented him, and accused him of showing disrespect to religion. He denied that he had shown any disrespect to religion, or that he had said one word against religion in that House. What had he said against religion? Was tithe religion? Were all the abuses referred to, the religion of the noble Earl? He was charged with making a "personal attack on some right rev. Prelate." Did

the noble Earl mean to say that abuses were not to be attacked? He had stated, that there were pluralities amongst the Bishops; and that they had secured to themselves the benefit of the bill brought in to prevent pluralities, but he had stated this in reply to the accusation, that laymen had prevented its being effectual. Was that personal? He could bring forward some more instances—he was ready to do it—he had no objection to do it if it were wished. The noble Earl said, he had not brought forward any plan—he had brought forward three plans. Did those plans give the noble Earl offence? Let their Lordships consider the drift of his observations. He had recommended prudence, and recommended the Prelates to accept a reasonable proposition, and by that they might obtain security for their property. Was that a wish to overthrow the Church? He stated, that some measure, in the present state of the country, was necessary to satisfy the people; and he had stated, that the measure of the last year would not satisfy them. He had urged a commutation, and not a composition. He stated, that the clergy could not stand, in the present state of public opinion, unless they were reasonable. For that the noble Earl charged him with attacking religion. For such a charge there was no more ground than there was to authorise him (Lord King) to make a similar charge against the noble Earl.

The Earl of *Winchelsea* did not intentionally misrepresent any noble Lord. The noble Lord had certainly made a charge highly derogatory to the Church, if true; and if not true, it ought not to be made. The noble Baron stated, that the bill brought into Parliament for the purpose of enforcing residence, had been perverted from its object, by the right rev. Prelates and the member for the University of Oxford laying their heads together to introduce a clause to defeat the real object of the measure, and, as the noble Lord said, make non-residence easier than before. If that charge were not true, he ought not to have made it. The noble Baron had spoken contemptuously too of the Church; he had used such phrases as "lawn sleeves," and that was speaking contemptuously of the Church.

Lord King denied that he used the phrase "lawn sleeves."

The Earl of *Winchelsea* said, that he had heard the phrase three or four years

ago, and other expressions that the noble Lord had no right to use.

Lord *Wynford* knew, that the right reverend Prelates had too much ability amongst themselves not to make it appear almost impertinent in him to address their Lordships in defence of the Church; but he was afraid, if no lay Peers should speak in its behalf, that it would go abroad that their Lordships heard these attacks with pleasure, and were not disposed to defend the Established Church. Did the noble Baron think that this was a question to be decided on incidental observation? It was a question of the first importance, not only with reference to the property of the Church, but with reference to the property belonging to their Lordships' own body. It was a subject which ought to be considered fairly and accurately, and not in a manner calculated to excite the passions of the multitude. If the noble Baron was bent on assailing the Prelates, and the Church Establishment, he ought to do so in a manner consistent with the rules of British justice. He ought to bring forward a specific charge, and give due notice of the time when it was to be preferred, that the accused person might be prepared to defend himself. But, instead of that, the noble Baron came forward night after night with these incidental accusations. It was one of the first principles of British justice that due notice should be given, so that the accused might be prepared to answer; but even on this very night the noble Baron had made a variety of observations respecting the Prelates of the Church and the Church Establishment, which were not warranted by the motions with which he concluded. The noble Baron had presented a petition relative to the commutation of tithes and the abolition of the assessed taxes; and what right had he to talk on subjects not connected with these matters? The noble Baron, however, had wandered into the subject of non-residence, and adverted to the bill for promoting residence, which was before Parliament in 1803; and then he attacked Lord *Stowell*, who was unable, through old age and the infirmities attached to it, to attend to defend himself, while his noble brother was also prevented by indisposition from attending, and none of his friends knew that he was to be attacked, or were able to prepare themselves to defend him. But, however, the noble and learned Lord in question had

so conducted himself through life as to render such attacks powerless, and they could not affect his character in the estimation of any of those whose estimation was worth having. It was perhaps fortunate for the noble Baron that the noble and learned Lord was not in his place, or he would have defended himself in such a manner as would afford no triumph to the noble Baron. But these attacks were irrelevant, particularly when reflecting on the character of the absent. He (Lord *Wynford*) begged leave to disclaim, in the most pointed manner, the notions respecting tithes, as the property of the Church, which the noble Baron appeared to entertain. The noble Baron spoke of them as a tax on productive industry; a mode of talking which could have no other effect than that of creating a most improper excitement among the peasantry of the country. Tithes were no more a tax on productive industry than the noble Baron's rents were; and the same spirit which would destroy this species of property in one week, would destroy all real property in the next. The noble Baron spoke of the President *Jefferson*, and his opinion of the nature of property. He himself knew nothing about the opinions of President *Jefferson*, as he never had much inclination to have anything to do with a Republican, in whose views he could not, in many respects, concur. But it appeared to him, that *Jefferson's* words, as quoted by the noble Baron, afforded a good answer to his own argument. The scope of the noble Baron's argument was, that the tenth of property might be taken on a principle which would also justify taking the other nine parts. But *Jefferson* said, that all property was the creature of law, supported by usage or prescription [*Lord King* : No]. He should be sorry to misrepresent, but so he understood the noble Baron's quotation. But if all property was the creature of law, supported by usage or prescription, which was the oldest property, the temporal or the spiritual? The property of the Church in the tithes was certainly the oldest property, and that which was supported by the longest usage. It was the prior right, and if that property was to be destroyed, on what principle could the other be maintained? The argument of the noble Baron was calculated to spread among the peasantry the notion that the abolition of tithes would afford them relief; a notion

bishop of Canterbury, and yet that their measures had proved inefficient to promote residence. He thought the residence of the clergy a matter of great importance, and was willing that the Bishops should have more power to enforce it. But they must, in the first place, put an end to pluralities, as residence and pluralities could not exist together.

The Duke of *Buckingham* concurred with such of their Lordships as thought that it was not proper to carry on these incidental discussions on separate particulars, on which they could come to no decision. He did not mean to impute improper motives to any one, and he took it for granted, that the object of the noble Baron was, to put the Church property on the best footing for all parties, since he himself said so. But when the subject should come fairly and fully before them, he maintained that it ought to be viewed in the broadest light, not only with reference to the interests of agriculture, but also with reference to the maintenance of the Church Establishment, which was essential to the Constitution. With respect to religion, he left that to be settled between every man and his own conscience. His own object was, the amelioration of the Church Establishment; and whenever that subject was brought on, as it would be, he would look narrowly to the question, how much, and in what degree, they could maintain what belonged to the clergy of this country, or the Church Establishment. The Church ought not to apprehend danger on that head; for the clergy had as much right to their property as the noble Lord had to his estate; and if the Church property were taken away, he knew not by what mode the noble Lord would effect the preservation of his own.

The Lord Chancellor held the same opinion as his noble friend with respect to the inutility of these incidental discussions. When the subject was regularly brought forward, he trusted that it would be discussed with all that seriousness and attention which the magnitude of the question deserved. He was sure that the rights of the Church, and the interests of the Church, would be studiously attended to. He took this opportunity to state, that in consequence of the illness of a noble and learned Lord (Eldon) he should postpone his Reform in Chancery Bill till Tuesday week. Perhaps the noble and learned

Lord (Wynford) would have no objection to allow his Motion, which was fixed for to-night to stand over, in order to afford the Chief Justice of the King's Bench an opportunity of being present at the discussion.

Lord *Wynford* was willing to let his Motion stand over till Thursday next; and moved, that the Order of the Day for the second reading of the Frauds on Creditors Bill be discharged, and fixed for Thursday.—Agreed to.

Lord *King* could inform the noble and learned Lord who had recommended him to bring forward motions after due notice, that if he came down to the House on Monday se'nnight, the noble Lord would find, that he (Lord King) had a motion to bring forward, on the subject of the conduct of the Archbishop of Dublin, and the noble Lord, if he pleased, might take up the most reverend Prelate's defence. Noble Lords had charged him with making unfounded accusations; but with respect to non-residence, what did the returns of 1813 show? That there were only 4,183 residents out of 10,558, the whole number of incumbents in England, so that the remainder must be taken as non-residents. This was not one of his "unfounded statements," but a fact apparent on the face of the official return. He regretted that similar returns to that which he quoted had not been made for the years subsequent to 1813. He hoped that there would be now no objection to furnishing such returns, and he would move for them [*Several noble Lords required a notice to be given*]. Well, then, he gave notice, and he would move for them on Monday. It was his wish that the returns should distinguish between patrons, lay and ecclesiastical. He might here observe, that he thought the noble and learned Lord had taken a narrow, confined, and professional, view of property, which he appeared to contemplate with respect, only as being the creature of the law. This was certainly much less philosophical than the sentiment of Jefferson, who viewed property as being for the benefit and support of the inhabitants of a country, and as being only possessed by private men for the good of society. He fully coincided in this, and thought that any mode of property which was not for the good of society ought to be, and he trusted would be, altered.

HOUSE OF COMMONS,

Thursday, Feb. 10, 1831.

MINUTES.] A Bill to prevent the spreading of Canine Madness was read a first time. The Postmaster-general Bill was read a third time and passed.

Petitions presented. For the Repeal of the Coal Duties, by Mr. Alderman WOOD, from Bridge Ward:—By Sir R. VVYMAN, from Mevagissey:—By Mr. A. TREVOR, from New Romney, Kent For the Repeal of the Assessed Taxes, by Mr. Alderman WOOD, from Bassishaw Ward. Against the Tithe Laws, by Lord A. HILL, from a place in Ireland. For the Repeal of the Duty on Printed Calicoes, by Colonel LINDSAY, from Wigan:—By Sir R. WILSON, from Middleton:—By Mr. EGBERTON, from Stockport:—By Mr. W. PATTEN, from several places in the Manufacturing Districts:—By Mr. SLANEY, from Bankbridge. By Sir R. WILSON, complaining of the expenses of the New Police, from St. Saviour's, Southwark. For Reform, by the same hon. Member, from the same place:—By Mr. KENNEDY, from Ayr, Irvine, Selkirk, and different places in Ayrshire, and from Leith and its suburbs:—By Sir W. HEATHCOTE, from Gosport:—By Mr. DUNDAS, from Easington and Bolton:—By Sir R. GRESSLEY, from Litchfield. By Mr. R. PALMER, from Proprietors of West-India property, residing in Berkshire, praying, should Slavery be abolished, for compensation. For the Abolition of Slavery, by Mr. C. DUNDAS, from Berkshire:—By Mr. HUGHES HUGHES, from the Isle of Wight. By Mr. SCHONSWAR, from the Seamen in the Merchants' service at Hull, complaining of the enforcement of a contribution of 6d. per month from all Sailors, for the support of Greenwich Hospital, and praying that the said custom might be hereafter abolished. By Sir J. BOURKE, from the Freeholders of Galway, on the subject of the Galway Franchise Bill. For a General Fast, by Mr. PERCEVAL, five from Chatham, Snodland, and other places:—By Mr. A. SMITH, from Walton and Stapleford, and from two Dissenting Congregations of London:—By Sir W. FOULKES, from Docking; and from Thetford, for an alteration in the Tithe Laws. By Mr. HODGES, from East Malling, for a remission of the Malt Tax; from Brencley, for an alteration in the Tithe Laws; and from Marden, for means to employ the Labouring Poor. By Mr. V. STUART, from Freeman and Freeholders of Carrickfergus, complaining of the Forgery of several Names to a Petition against the Return of Lord George Hill. By Mr. CALLAGHAN, from the Hatters of Cork, for a Repeal of the Union with Ireland. By Mr. SLANEY, from certain persons in Shrewsbury, praying for an alteration in the law for Ballotting for the Militia.

LAW AS TO ELECTION PETITIONS.]

Mr. Benett presented a Petition from the persons who had petitioned against the return for the borough of Winchelsea, and entered into the necessary recognizances, praying, as they contemplate that the measure about to be proposed by Government would effect all that they desired with respect to that borough, that they might be allowed to withdraw their recognizances. The hon. Member then moved, that the recognizances in question be discharged.

The *Speaker* having expressed his doubts as to whether the House, according to the Act of Parliament, had power to allow the recognizances to be withdrawn, Mr. Benett withdrew the Motion.

PARLIAMENTARY REFORM.] Mr. Benett presented a Petition from Wiltshire, signed by 14,000 persons, in favour of Reform. The prayer of the petition was generally for Reform, without specifying any particular measure. The hon. Member expressed a hope, that whenever the Reform measure of Government should be brought forward, he should be able to support it, and that it would prove a plan of full and efficient Reform. He was sure that, in the present state of the country, they who opposed all Reform would attach to themselves a serious responsibility. The petition was signed by thirty Magistrates, and a great number of clergymen, yeomanry, and shopkeepers. The hon. Member hoped that county meetings for Reform would be held all over the country.

Mr. Hunt presented Petitions from Wigan, Oldham, Butterworth, a district in Manchester, and a parish in Ireland, praying for Annual Parliaments, Universal Suffrage, and the Vote by Ballot; also from some inhabitants of London, praying that the forest of Epping might be given to the poor, to be cultivated by them; likewise, four Petitions from owners and occupiers of land in Hampshire, stating, that the labourers had been driven by necessity to congregate together, and demand a rise of wages. They attributed this circumstance to the pressure of taxation, and prayed for Reform. The hon. Member read copious extracts from these petitions.

Mr. Beaumont said, as the hon. Member gave notice of his intention to move the adjournment of the House at twelve o'clock every night, he should not occupy so much time in presenting petitions.

Mr. Hunt said, that if it were made a rule that no petition should be read or observed upon, but put at once into the Clerk's bag, it would save him a vast deal of trouble, as he had hundreds of petitions at home, and thousands more were coming to him from the country. If the Vote by Ballot should be conceded by the House, he believed that the House would be troubled with very few petitions more; but if it should not, every town and village in the kingdom would meet to petition for it. He thought that the people could not do better than meet on the day appointed for the general fast, for there could not be a more acceptable act, in the eyes of God and man, than an attempt to re-establish the just rights of the people,

ASSESSED TAXES.] Mr. Dundas presented a Petition from the City of York, praying for the Repeal of the Assessed Taxes. The hon. Gentleman stated, that it had received a very large number of signatures, including that of the Lord Mayor, and that he concurred in the prayer of the petition.

Mr. Bayntun supported the prayer of the petition in the following speech:—

“Sir,—Concurring as I do in the prayer of the petition which has just been presented from the inhabitants of the city which I have the honour to represent, although it is not my intention to detain the House at any length, yet I cannot omit this opportunity of making one or two observations. I, Sir, feel most anxious for the repeal of those taxes which operate so heavily upon the middle classes of society, and indirectly on the lower, and which produce little advantage to the revenue, compared with the discomfiture and misery heaped upon these particular classes. Constructive taxation may be made the instrument of great tyranny and oppression; and I appeal to as many of this hon. House who are Magistrates, if the assessed taxes, particularly the house and window-tax, are not productive of more litigation and appeal to them, and of more personal restraint upon the liberty, happiness, and prosperity of the people, than all the other taxes of the realm. The legitimate object, Sir, of all taxation is revenue, and personal liberty is necessary to enable you more effectually to bear it, by leaving you in possession of everything necessary to furnish the means, in procuring of which nothing affects you like the assessed taxes. They are derived, Sir, from our incomes and our profits, the uncertainty of which makes them sometimes prospective and exceedingly vexatious, and are quite different in their operation to taxes levied upon merchandise, which are paid out of our capital, are reimbursed by the consumer of his own will and ability, and are frequently a source of profit and a stimulus to trade. I should not, Sir, have ventured to address the House, had I not felt confident that by a repeal, say, even partial, of the window-tax,—that tax upon the air we breathe, and the blessings of health,—great benefit would arise, and that it would tend to alleviate at any rate, if not partially to remove, much of that distress which hon. Members have lately, in this House, most

unfortunately borne testimony to. Sir, in advocating a repeal of these taxes, so galling and so vexatious, I would venture to recommend to his Majesty's Government, coinciding most fully in the observations which were just now offered to the House by the hon. member for Wiltshire (Mr. Benett); who stated, that in presenting a petition from that county, with which I, Sir, am also connected, which petition had received the signatures of nearly 14,000, many of whom were Magistrates, praying for a repeal of these imposts, if any other tax was requisite, it should be a graduating property-tax; whilst by the payment of taxes property is made safe and secure, it is but fair for that security that the owners should mostly contribute. Even, Sir, although a tax upon luxuries appears to be the most proper, yet great disadvantage arises very considerably on account of these imposts, by the non-employment of mechanics, who at this day are, to a great number, out of work. It is not my wish, Sir, to say any thing that would be calculated to embarrass his Majesty's present Ministers, who seem to be disposed to do every thing in their power, standing as they do so high in the hearts and expectations of the people, by mentioning, in the room of the house and window-tax (if necessary), a graduated property-tax. Sir, I have perceived this day, by some of the daily journals, that it is the intention of his Majesty's Government to take off the house and window-tax. I trust that it may be realized. I have only stated what I felt myself bound to do for the benefit of my constituents,—very imperfectly, I fear,—what would be, in my opinion, for the benefit of my countrymen; tending to alleviate their burthens and distresses, and to ameliorate the condition, and increase the happiness, of those in the more humble spheres of life—I mean the people.”

FORFAR DISTRICT OF BURGHS.] Sir U. Forbes said, he had to present a petition from the hon. W. Ogilvie, against the late return of the Lord Advocate (the hon. Francis Jeffrey), as Representative of the burghs of Forfar, Cupar, &c. The hon. Baronet explained the reason why this petition had not been presented within the regular time appointed by the Standing Orders of the House, which require that the presentation of election

petitions should take place either on the first day of the Session, or within fourteen days after the return. In this case it appeared that compliance with the usual regulations was impossible, as the return had been made on the 2nd of January, and the House, consequently, was not sitting at the expiration of the fourteen days so prescribed, or during any part of them. Under such circumstances, the natural course would have been, to present the petition on the 3rd of February. The petition was accordingly despatched from Edinburgh on the 1st for that purpose, but owing to a snow-storm in the neighbourhood of Berwick-upon-Tweed, both the mail and the messenger were prevented from arriving before the 5th inst. The hon. Baronet concluded by moving, that the petition might be permitted to be laid on the Table, in consideration of the peculiar nature of this particular case, notwithstanding the ordinary forms of the House, which would otherwise have rejected it.

The Motion was seconded by Mr. Schonswar.

Mr. C. W. Wynn said, he had no objection, under all circumstances, to receive the present petition; but the expediency of a strict general adherence to the Standing Orders of the House ought at the same time not to be forgotten. He thought it would be right for the hon. Member to establish his case by evidence at the bar. [Evidence was then given at the bar by two witnesses, of the names of Barnaby and Webster, as to the truth of the allegations of the petition. The former witness deposed, that he himself was on his way to London with the petition, but was unable to proceed even so far as Berwick, owing to the drifting of the snow, and had to forward it by the guard to the next post town.]

Mr. C. W. Wynn (the witnesses having withdrawn) contended, that it would be contrary to all precedent to receive the petition. There was a case in point, with respect to the impediment of a snow-fall being a sufficient pretext to justify the House's departing from its rule, which forbade the reception of a petition not forwarded within fourteen days from the date of the return. The case he alluded to occurred in 1781; it was the Seaford case, and the House decided against the petition being received. The House could not be too strict in enforcing its Standing

Orders rigidly, otherwise the door would be thrown open to most anomalous precedents. Let them, if they so thought it expedient, enlarge the period within which petitions might be received, but not depart hastily from their fixed regulations.

Lord Althorp said, that he agreed with his right hon. friend, that the House could not be too slow in admitting exceptions to their general rules; but still the present petition was one which it might, without inconvenience, he thought, receive, though the letter of the Standing Order of the House had not been strictly complied with. It appeared to him so highly improbable that their then receiving that petition could, under all the circumstances of the case, operate as an inconvenient precedent, that he would not enforce too strictly the Standing Order against it.

Sir G. Clerk said, that there was a difference between this case and the one quoted by the right hon. member for Montgomeryshire, inasmuch as in that (the Seaford) case all due diligence was not used.

Petition laid on the Table; the ballot fixed for the 22nd of March.

PATENT TO PRINT BIBLES.] Mr. Hume presented a Petition from Messrs. Childs, Printers, at Bungay, in Suffolk, praying that the Patent which grants to certain bodies the privilege of Printing Statutes, Acts of Parliament, Bibles, Testaments, Books of Common Prayer, and all other Books authorized to be used in Churches, and which is now on the point of expiring, may not be created anew, and extended for a further period of time. The hon. Member then moved, "That a Select Committee be appointed to inquire into the nature and extent of the duties of the King's Printers, in England, Scotland, and Ireland; by what authority their Patents are held; how far they have been beneficial to the country; and how far the public interests are likely to be promoted by them, should it be thought expedient to continue them." He likewise moved, that the evidence taken before the Committee should be reported from time to time to the House.

Lord Nugent said, that he did not intend to offer any opposition to the Motion. He merely rose to state, that a Commission had already been appointed by the Treasury to inquire into the expense occasioned

by printing papers for both Houses of Parliament. His noble friend, the Chancellor of the Exchequer, had intended to have referred this very subject to the consideration of that Commission. He was happy to state, that the subject of Stationery supplied to that House had also come under the consideration of the Treasury, and a plan had been suggested by which one-fifth of the present expense incurred on that head would, he believed, be spared. He assured his hon. friend, the member for Middlesex, that he should be most happy to co-operate with him on this subject.

Sir R. Inglis hoped, that measures for the abolition of the office of King's Printer would not be taken without due examination. It should be recollected, that he was responsible for the verbal accuracy of all Bills and Acts of Parliament.

Mr. Goulburn said, the patent of the King's printer was, in fact, the abridgement of a monopoly; for if it were abolished the sole right of printing Acts of Parliament and Bibles; would vest in the two Universities. He was sorry that the indisposition of the hon. Member [*Mr. Hume was hoarse, and could not speak*] had prevented him from going into the subject, as he, Mr. Goulburn, was prepared to defend the conduct of his Majesty's late Ministers.

Motion agreed to, and Committee appointed.

RIDEAU CANAL.] Lord Althorp was understood to say, that two notices of his stood for discussion that evening. One of them related to a Motion for referring to a Select Committee the papers and accounts relating to Windsor Castle and Buckingham Palace. As those papers were not yet ready to be laid on the Table, he should postpone his Motion regarding them till the 15th instant. His other Motion was connected with the papers and accounts relating to the water communications in Canada, along the Rideau and Granville canals. The noble Lord stated, that the original estimate for the latter was 116,000*l.*, and for the former 169,000*l.*, which were to include the whole expense. In 1828, it was found out that the Rideau canal could not be completed for less than 558,000*l.*, nor the Granville canal for less than 176,580*l.*, making the estimates for the two, in 1828, 734,000*l.* That sum astonished the House of Com-

mons, and the vote was opposed; but since then a fresh estimate had been received from Canada, making the expense of the Rideau canal 693,000*l.*, and of the Granville canal 250,000*l.*, and making a total of 943,000*l.* instead of 734,000*l.*, at which the estimate had been calculated in 1828. He believed that these water communications were valuable, not only for the internal trade, but also for the military defence of the country. We had already expended on these works 572,000*l.* It was hard to give up so large an expense as we had already incurred; yet, when it was recollected that this was little more than one-half the expense which was to be incurred, and that there was still more than 400,000*l.* to be provided for, and he could not pledge himself that even the present enormous estimate would not be exceeded, it was matter for consideration, whether we should not rather abandon these works than embark in fresh expense. He should, therefore, move to refer these papers to a Select Committee.

Mr. Warburton said, that his hon. friend, the member for Middlesex and himself had objected to the votes for the Rideau canal when they were first submitted to Parliament, on the ground that they were works commenced without the sanction or authority of Parliament. He thought that Ministers had taken the only proper course that was open to them, by determining to refer the papers relative to this canal to a Select Committee. If there were any trade ever carried on along this canal, it would be a forced trade; and if so, it would be a loss to the mother-country. He did not mean to assert that the colony would not receive benefit from the formation of this canal; but the benefit which it would receive would be a loss to the parent State. He was quite certain, that if 250,000*l.* were expended every year on the roads in the neighbourhood of the metropolis, a greater national benefit would be conferred on the country than any which could ever accrue from the formation of this expensive canal in Canada.

Sir John Newport said, that seven years ago the propriety of forming this canal had been considered in a Committee above-stairs, and at that time he had opposed the formation of it with all the arguments in his power. He thought at that time, that the estimates of the expense were fallacious, and he had since been confirmed in that opinion by the experience of facts,

When this matter came under the consideration of the Finance Committee, he expressed an opinion, which he repeated now, that it would be better to sacrifice all the money which had been already expended, than to proceed in involving the country in still greater expenses at a time of general distress like the present.

Mr. *Labouchere* said, that he had voted for the original grant to make these canals, and that he was not prepared to shrink from the responsibility attached to it. The principle on which that grant was made, was a wise and statesman-like principle. He was glad that these papers were to be submitted to the consideration of a Select Committee, for he was sure that nothing but good could proceed from such a course. It was quite consistent in the hon. member for Bridport to object to the grant, because he wished to get rid of colonies altogether; but that not being his wish, he had as consistently, he hoped, supported it. He agreed with his noble friend, the Chancellor of the Exchequer, that the colony should assist the mother-country in the completion of these works. The mother-country had, undoubtedly, a great claim upon Canada, and he believed that the colony would endeavour to take its share of the burthen. Indeed he, for one, should be greatly disappointed if such were not the case.

Mr. *Spring Rice* supported the Motion, but felt called upon to condemn the practice of lavishing the public money on works without the consent and approbation of Parliament. He hoped that the hon. Member, who on a former night had so strenuously defended the privileges of that House, would on the present occasion come forward to assert the impropriety of any public works being erected without its previous consent. He believed that the late Chancellor of the Exchequer had behaved with the most perfect candour when he laid his statement on this subject before the Finance Committee; and he was quite certain that at that time the right hon. Gentleman was not aware that 400,000*l.* more than his estimate would be wanted for the completion of these works.

Mr. *Goulburn* said, that the hon. Gentleman opposite had only done him justice in saying, that when he (Mr. Goulburn) had made his statement before the Finance Committee, he had no notion that so large a sum would be required. It would be unnecessary for him to enter into any de-

tails on this subject now, because the Committee would be better able to investigate the grounds of the enormous excess over the sum originally proposed. The motives which had induced the hon. member for Taunton to express a wish that the work would not be abandoned, were precisely the motives which had produced the original grant. He believed there would be no backwardness on the part of the Canadian legislature to assist the work, and certainly the colonists themselves had already displayed that disposition.

Sir *R. Peel* said, that as he had understood the noble Lord, the Committee were to report their opinion as to whether the advantage of the works, if completed, would compensate for the expense of completing them. He wished, however, to observe, that the opinions of military men must be constituent elements of a calculation respecting the advantages of the works; and, although the Committee would have to report facts as well as its opinion, yet that its opinion must obviously be formed principally upon grounds which it might be dangerous to publish.

Lord *Althorp* said, he was desirous to give the Committee every possible information.

Motion agreed to. On the nomination of the Members of the Committee,

Mr. *Warburton* said, that he had been misunderstood, and had never expressed a wish to get rid of all our colonies. What he had objected to was, taxing the people of this country for the purpose of extending a territorial empire which could not be maintained.

Mr. *Labouchere* was glad to find that he had mistaken the sense of the hon. Member's observations, in which light he had deprecated them. He thought, that the subject of the colonial policy of Canada ought to be made one of formal discussion.

Mr. *H. Twiss* protested against the practice of debating a subject of so much importance as the principle of our colonial policy on an occasion like the present. If any Gentleman thought that policy bad,—and much more, if any Gentleman thought that we ought to abandon our colonies,—let specific motions to that effect be brought forward. In his opinion, the abandonment of the Canadas was quite out of the question. They had ever been useful to the mother-country, and had amply repaid the protection and support

received, by diverting, in return, the approach of war from England, and serving as a field whereon to fight our battles.

Mr. *Robinson* said, that he had always understood the hon. member for Bridport (Mr. Warburton), and the hon. member for Middlesex (Mr. Hume), to express a wish, that all our colonies which cost us any thing might be got rid of; and, like the hon. member for Taunton, he was glad to be undeceived by the explanation just given by the former hon. Member.

Mr. *Baring* had always been of opinion, that some of our colonies ought to be got rid of. Such were the Ionian Islands, which he should be glad to see given to Greece. The colonies now in question were not of this character. He thought them very valuable, and though he cordially approved of the present Motion, yet he could not help recollecting that the money had not been altogether thrown away, since it had given employment to so many emigrant labourers from this country. It must not, however, be supposed that the Committee was appointed to save us the 400,000*l.* or 500,000*l.*; for that money he was afraid, and a considerable sum besides, had already been expended.

Sir *G. Murray* said that, concurring entirely as he did in the motion of the noble Lord, he would not detain the House with many observations now, though he thought it would not become him to preserve silence altogether upon the subject. He took it for granted that it was not intended to abandon the colonies, and that the object in appointing the Committee was principally an economical one. He agreed that a Committee would be the best place for investigating that subject. Allow him, however, to observe, that if it were not intended to abandon the colonies, the completion of the canal was highly important in a military point of view; for he was of opinion, that without it we could not, in time of war, keep up a communication between Lake Ontario and Montreal.

Mr. *Maberly* thought, that the noble Lord had now taken the only proper course that had been taken throughout the affair. The whole subject ought to have been brought before the House in the first instance; but they had been lured into the first vote, and then, on every subsequent vote, the answer to those who opposed the grants was—"You have begun

the works, and you must go on with them." The House, however, had been more to blame in this than the Government.

Mr. *Guest* said, that estimates on a subject like this were a farce, as must be evident from the extra money that had already been expended. The enormous sums that had been laid out on this and on similar works, would, he was sure, have been much more advantageously employed at home. He understood that no less than 1,000,000*l.* had been expended on fortifications, and he trusted that the noble Lord would have this part of the subject thoroughly investigated.

Lord *Althorp* did not know how much had been expended upon fortifications, but he had no hesitation in saying, that he thought it highly desirable the whole subject should be looked into by a Committee.

Mr. *Hunt* said, that he had been, on a late occasion taunted with having said things out of doors which he had not repeated in that House. Now he had always, out of doors, expressed it to be his opinion, that no colony ought to be retained by this country which could not keep itself. Perhaps he had spoken upon this subject without that degree of information which was necessary to form a correct opinion upon it; and if the opinion was incorrect, he should be glad to be better instructed. However, while the people of this country were suffering so dreadfully, he must protest against their being taxed to support the colonies. The hon. member for Callington had talked about the number of emigrant labourers which had been supported by these works; but did not the hon. Member think it would have been more humane, and more advantageous to the country, to have employed those labourers at home in draining the Irish bogs? The only reason for keeping the Canadas, and a great many other colonies, was patronage—patronage—patronage. He was glad, however, to hear from the noble Lord, that he was of opinion that the system ought to be put an end to.

Committee appointed.

[FISHERTON GAOL REGULATIONS.] Mr. *Hunt* rose to move, pursuant to notice, for "a Return of a Copy of the Regulations in his Majesty's Gaol of Fisherton, in the County of Wilts, stating whether the practice has been for Criminal Prisoners to see

their Attornies in private or not, and whether a paper of the case of a person named Lush, drawn up by the Prisoner, was, or was not, in the hands of the Gaoler." It would be remembered, he said, that on a former evening, when he moved for an Address to the Crown, he mentioned, that it was the practice in the county gaol of Wilts not to permit prisoners to communicate with their attornies, except in the presence of the gaoler or turnkey, and he particularly mentioned the case of a person named Lush, a prisoner in this gaol, who had drawn up a statement to submit to his attorney, which statement was taken from him by the gaoler's clerk, and placed in the hands of the gaoler, it having been stated that every written document, coming from a prisoner, should be read, in the first instance, by the gaoler. When he stated these facts on a former evening, he had assumed, as a possible case, that a prisoner might be entrapped into writing a statement of his defence, which should be afterwards submitted to the prosecutor for the Crown, and used for the conviction of the prisoner. The Under Secretary of State (Mr. G. Lamb) did not contradict the facts as stated by him (Mr. Hunt), but he seemed to throw a doubt on the statement; and the hon. and learned Attorney General came forward in that manly and conscientious way in which he always acted, and said, that as he knew nothing of the facts, he could not contradict the statement; but he could not suppose that any thing of the kind had occurred, for that if such a practice prevailed, he had no doubt any attorney who was interfered with in such a way would resist the interference, and make his complaint in the proper quarter. Now, as he (Mr. Hunt) would never come forward with any statement which he should not be able to prove, he would move for certain returns, not only to prove that the practice of which he had complained did really exist as he had stated, but also for the purpose of setting himself right with that House, and more particularly with the hon. and learned Attorney-General. Under the right hon. member for Tamworth's (Sir Robert Peel) Bill, prisons were subject to certain regulations, and visiting Magistrates were authorized to establish others, which were very often extremely numerous. The precise object of his motion was, not only to ascertain the rules which existed at the period referred to in the county

gaol of Wilts, but also the practice as it appeared in the individual case of the prisoner Lush. As was his duty, he waited on the under Secretary that morning, for the purpose of explaining the nature of the return he intended to move for; and was somewhat surprised to learn that, though there was no objection to producing the printed rules and regulations, there was some objection to the latter part of the motion. If no such practice as he complained of existed, nothing could be easier than to make a return to that effect; and, if such a practice did prevail, his Majesty's Government ought to be anxious to rescue the administration of justice from such a reproach. There was no lawyer in that House who could stand up and say that this was consistent with any legal or equitable principle, that the conferences of a prisoner with his counsel should be known to others. If the motion was not granted, he should consider it his duty to obtain the evidence of the attornies practising in Salisbury, to prove that what had occurred in the case of Lush had always been the practice in that gaol. His statement was founded on the facts furnished to him by the attorney concerned in the particular case alluded to. If the return was granted, after what had taken place, he should not found any motion on it, as he was satisfied the practice would be put an end to, as his Majesty's Government must concur with him that it was illegal and unjust. He could not sit down without thanking the hon. and learned Attorney General for defending him the other night against the charge made against him of exhibiting a kind of spurious humanity. He must also briefly refer to what had taken place in the House in the early part of the evening. He was sorry to say, that it was the prevalent opinion out of doors, that the sufferings of the people were treated in that House with coolness and indifference. Now, only that he was bound to believe the contrary, he should have been inclined to come to the same conclusion, in consequence of what had passed that evening. When the hon. member for Middlesex told the House that he was in much pain and suffering from a cold, the statement was met by a laugh. If this had happened in any other assembly, he should have thought they were laughing at the sufferings of the people; but he supposed (because he was bound to do so) that in that House it

was a matter of course, and meant no such thing. As he was on this subject, he must say, that the way in which petitions were received was calculated to make a person believe that they were disregarded—[cries of “No, no”.] He contended that such must be the impression of every one who saw the manner in which petitions were received. He had that day presented petitions, in which the parties petitioning eloquently described their sufferings; and those sufferings, he might be permitted to say, in any other assembly would have caused tears to flow. In that House, however, the recital of those sufferings appeared to be received with indifference, if not neglect. He wished the people of England to know how their affairs were managed in that House; and he wished their petitions could receive more attention; because, that they were not listened to was the only way in which he could account for the indifference with which they were treated. The hon. Member concluded by moving for the return.

Mr. Warburton, in seconding the Motion, said, he knew nothing of the case to which the Motion related, but he was anxious to make a few observations in reply to what had fallen from the hon. Member. Any person coming into that House, and not knowing the great quantity of business which the House had to transact; any such person who had perused with attention the composition of petitions which he might present, might imagine that they experienced a rather indecorous reception. But when the immense number of petitions which were necessarily laid before that House from day to day was considered, it must appear plain to any one, that if each hon. Member on presenting a petition should accompany it with a long speech, it would be absolutely impossible to get through the business of the House. He (Mr. Warburton) would recommend, that a Committee should be appointed to class the petitions, an arrangement which was adopted in the Congress of the United States: that the petitions belonging to a certain class should be all brought up together, and then hon. Members who wished to speak upon the subject to which a particular class of petitions referred, would have ample opportunity to deliver their sentiments. He merely threw out this observation by way of suggestion. The number of petitions was increasing every day, and as it was necessary the people should have

an opportunity of stating their grievances, it would soon be found that some kind of classification was indispensable.

Mr. G. Lamb said, that after he had stated the information which was in his possession, he was sure that the hon. member for Preston would see the propriety of not persevering in this Motion. In consequence of a petition which that hon. Member had presented to the Home Office, stating that a confession of the prisoner Lush had been inspected by the gaoler at Salisbury, and that there was a suspicion that it had been used against him on his trial, an investigation into the matter had been instituted on the part of the Magistrates, and he (Mr. Lamb) had now in his possession a most satisfactory letter as to the result of that investigation, from one of the Magistrates, a noble Lord, who was no enemy to liberty, or to the rights of the people,—he alluded to the Earl of Radnor. There was certainly a regulation in Fisherton gaol that no written document should go forth from any of the prisoners without being first inspected by the gaoler; there was no exception made for the confession of a prisoner, as it was supposed that if there were, the regulation could be easily evaded. It was true that an attorney came to the gaol to take instructions from the prisoner Lush, and that he was accompanied by one of the turnkeys, but the statement in question was not drawn up in the presence of the turnkey, for it had been previously drawn up by one of Lush's fellow-prisoners. It was delivered to an attorney, of the name of Seymour, he believed, in the presence of the turnkey, and the attorney, knowing the practice of the gaol, said it must be delivered in the first instance to the gaoler. The turnkey brought it to the gaoler, who, under such circumstances, merely cast his eye over it to satisfy himself that it was a *bona fide* confession, and then gave it to the turnkey, who returned it in a few minutes to the attorney. As to any use having been made of it, it was, in fact, never in any way used at the prosecution of this man. The gentleman who was employed by the Crown to get up the cases, stated, that he had never seen or heard of such a paper. There was no use, therefore, made of it, and he believed that the gaoler knew nothing whatever of its contents. There was no rule amongst the regulations of Fisherton gaol to prevent the prisoners from communicating with their professional

advisers, but he should certainly infer from the circumstances which had taken place in this instance, that the practice was, that one of the turnkeys should be present on such occasions; and he would undoubtedly admit that it was a wrong practice. In many well-regulated gaols—and he would instance that of Lincoln as one—the rule was, that the prisoners should be allowed to communicate with their confidential professional advisers, without having the turnkeys present. He hoped that it would now go forth as an acknowledged truth that the prisoners, in all the gaols throughout the country, had a right to such private access on the part of their counsel. Under these circumstances, he hoped the hon. Member would not think it necessary to press his Motion.

Mr. North was surprised to learn that such regulations could exist in any gaol in the kingdom. It was in violation of a great legal principle. If an attorney was summoned on a trial, he might refuse, and the Court would refuse to receive in evidence what the prisoner had communicated to him professionally. What protection, however, had the prisoner in this privilege of his attorney, if a third person, not so privileged, was present when he made his confidential communications? Such an abuse called loudly for reform; and every lawyer in that House was bound to stand up and protest against it.

Mr. Horace Twiss entirely coincided with the last speaker. He had no doubt that the practice in this instance had arisen from accident; that it was not intended by the Magistrates, but was owing to a mistake of the rule of the gaol, and he hoped, after what had now taken place, that it would be corrected.

The Attorney General acknowledged that the adoption of such a practice was a great abuse. At the same time, after the unanimous expression of opinion which had taken place, he was sure the abuse would not be of long continuance, either in Wiltshire or elsewhere. As to the case of Lush, he was satisfied that no information obtained from him in the manner described had been used against him. Every Gentleman concerned for the Crown, on the late prosecutions, would have known the impropriety of such a proceeding. If a conviction had taken place under such circumstances, he did not hesitate to say, that it ought to be got rid of; but though he was not present at the trial, from his

knowledge of those concerned in conducting those cases, he was convinced that no advantage was taken of any confession made by the prisoner.

Mr. Alderman Wood believed, that the practice complained of prevailed nearly in every gaol in the country. In the great metropolitan prisons, a room was allotted for the prisoners to confer, in private, with their professional advisers, or with any persons who could aid them in their defence. The greatest facilities were afforded for this purpose in the great metropolitan gaols, but it was otherwise in the country wherever he had been.

Sir Thomas Baring could not allow the metropolitan gaols to stand as a splendid exception. In a gaol with which he was particularly well acquainted, from being a visiting Magistrate, and in several other gaols throughout the country, the most unrestricted private communication was allowed between prisoners and their attorneys.

Mr. Alderman Wood said, he could name several county gaols which he had visited in the country, and where the practice spoken of existed.

Sir Charles Wetherell begged to differ from the worthy Alderman. As far as his experience went, he could contradict the worthy Alderman's statement; and though the worthy Alderman had perambulated the country, and though he might be one—

“Qui mores hominum multorum vidit et urbes,”

still against such an authority, he (Sir C. Wetherell) would contend that the general practice in the gaols in England was to allow private and confidential access to the counsel employed by the prisoners. The worthy Alderman, therefore, must permit him (Sir C. Wetherell) to say, that he had not picked up very accurate information in the course of his travels when he asserted the contrary.

Lord Nugent, as visiting Magistrate of one gaol, could bear his testimony to the inaccuracy of the general statement which had been made by the worthy Alderman. In the Warwick county gaol, also, he had reason to know that the freest access was permitted between prisoners and their attorneys.

Mr. Wolryche Whitmore thought, that all written, as well as oral communications of prisoners with their counsel, should be private; and when such communications

passed between attornies and criminals, they ought to be held sacred.

Mr. *G. Lamb* quite concurred in the opinion, that when an attorney was admitted to a prisoner, the papers or documents confided to him should be as sacred as any private communications could be. Perhaps, however, the rule as to written communications was considered as a necessary precaution, to prevent other writings from making their way out of the gaol.

Mr. *Dickinson* said, that no such practice as that which had been so justly condemned by the House existed in Somersetshire.

Mr. *Hunt* rose to reply. The hon. Member said, that no men knew less of what passed in gaols than visiting Magistrates, and for very obvious reasons. He did not mean to accuse the Magistrates in the present case of acting improperly, for Lord Radnor, for instance, was an amiable and excellent man, and would not sanction such a practice as that alluded to; but what he complained of was, that the rules and regulations of the gaol gave the gaolers a license to do such things as these. The late Secretary of State for the Home Department, when he (Mr. Hunt) was confined in a gaol, had brought in a bill, by which, no regulations could become the law of a gaol, unless they were approved of by a full Bench of Magistrates, and afterwards confirmed by the Judge of Assize. The member for Somerset knew nothing of the gaol, alluded to, for not a man rode into the town without a cry being raised of, "Here comes a visiting Magistrate," and immediately the interior of the gaol was made to put on a different appearance. When he (Mr. Hunt) was in gaol, he was precluded from seeing his attorney upon professional business; he was prevented from seeing his family and children when he was ill, and from having his doctor to perform an operation upon his eye, in a case of ophthalmia, under which he was labouring. In consequence, however, of the bill brought in by the late Secretary of State, such things could not be done now, unless there was a great neglect of duty on the part of the local authorities. The hon. member for Wiltshire had said, that he was a vigilant Magistrate, and if such things had passed in a gaol within his district, surely they might pass in other gaols. The information which the Secretary of State got was the

very worst in the world. Lord Radnor knew nothing of the facts, and the paper alluded to had been three days in the hands of the gaoler before it was transmitted. The Secretary of State had been grossly imposed upon, and he hoped that visiting Magistrates would take a lesson from this. He had had the honour of being confined for two years in gaols, and he knew what Magistrates were very little aware of. Under the circumstances of the case, however, he should not press the matter further, and would withdraw his Motion.

Mr. *G. Lamb* begged to remind the hon. member for Preston, that he had never said that Lord Radnor was a visiting Magistrate; all he had said was, that upon this occasion his Lordship had undertaken to visit the gaol, and to investigate the case.

After a few words from Mr. Benett the hon. member for Preston withdrew his Motion.

THE RECORDERSHIP OF DUBLIN.] Mr. *Shaw*, in moving for the papers of which he had given notice, said, that it was most painful to him, on the first occasion that he had to address the House, to do so upon matter more personal to himself than of public and general interest; but he looked to the justice of the House for that hearing to which he thought the defence of himself and the other official persons connected with the Court over which he presided, was entitled. The document which gave occasion to his present motion was rather a mockery of the rights of petitioning, than anything like a serious design to effect any public or useful object. The petition purported to be a petition from the Prisoners confined in the Gaol of Newgate, in Dublin, when, substantially, the petitioners were no others than a single individual, named Joseph Andrew Macdonnell. Now, at the time referred to in the petition, there was no such person in the prison, nor for a month previously, as he was enabled to show from the certificate of the Governor. In that petition it was alleged, that several persons were confined in the gaol of Newgate, and, though ready for trial, were kept in prison, and could not be tried in consequence of his (the Recorder's) absence from Dublin. What was the fact? At the time when that assertion was made, there was not a prisoner remaining in the gaol except two, and they were not prepared. He was

not one hour absent from Dublin during the confinement of any one of the petitioners, or rather, of the persons who signed a petition that virtually came from Macdonnell, who, though he was a Catholic, and never professed any other religious forms of Church discipline, nevertheless made it a matter of complaint, that there had been some delay in the coming of a Protestant Clergyman, for whom he had sent. In strictness, Mr. Blacker was not bound to come, for he was not the Chaplain of the prison—he was merely the City Chaplain; yet, when he did come, Macdonnell laughed, and said he would petition. The next charge was made against the medical officers of the establishment. The petitioner stated, that the said officers refused to come to his assistance, though it had been represented to them as a case of life and death—that, in fact, there was some danger that he might die within the hour; though, in truth and in fact, he was, during the entire term of his imprisonment, in perfect health. He had also been informed, that the brother of this Macdonnell had offered bail to the Magistrate by whom he was committed, and the offence admitting of bail, the Magistrate agreed to accept the security offered, but Macdonnell refused, and expressed his desire to be sent to prison, saying, that he had his reasons for wishing to be sent, for that he wanted to bring over the Recorder from London to try him, and that he would make the medical men and the Chaplain attend, or else have them dismissed, through the instrumentality of the hon. member for Clare. Macdonnell was, when first sent to prison, placed at the debtors' side, but was there so unmanageable, that it was not possible to permit him to remain. He knocked down every one who came in his way; barred out the turnkey; set fire to the furniture, and, in short, he so conducted himself, that it became absolutely necessary to remove him to the felons' side, which was the object he had in view, intending then to prevail upon the prisoners there to sign a petition praying for a Repeal of the Union. When he was brought into Court, he endeavoured to raise a mutiny in the dock, and exerted himself to prevail upon his fellow-prisoners to give three cheers for a Repeal of the Union. His appearance on that occasion was certainly most extraordinary, and possibly, that very extraordinary appearance might have excited the

sympathy of the honourable Member;—the prisoner wore a loose coat, a coloured shirt, no neckcloth, his face was distinguished by a superabundance of hair, and his person otherwise decorated with the insignia of liberty. He must be permitted to observe, that hon. Members ought not to take representations of this nature without something like investigation. The petition was, on the face of it, destitute of probability. The hon. and learned Gentleman then went on to observe, that both the hon. Members (for Clare and for Middlesex) were misinformed with respect to the sittings of the Quarter Sessions in Dublin—they sat quarterly, and might adjourn for six weeks at a time, as they saw fit; the Recorder had no power to alter the times of sitting. Sir Jonas Greene had been in the habit of adjourning irregularly, and not sitting on consecutive days; but it had been his intention, if ever he succeeded in overcoming the arrear of business, to adjourn for fixed periods, and to sit on consecutive days; but that intention he, unfortunately, did not live to carry into effect. When he (Mr. Shaw) succeeded to the office, he applied himself almost unceasingly to remove that arrear, and it took him two years to get it under. When that object was once accomplished, he went upon the system which his predecessor had intended to adopt—namely, that of having regular adjournments and consecutive days of sitting. There were in Dublin eighteen gaol-deliveries in the year, being more than in any town in Ireland, or, he believed, in England; at the present moment there was no arrear of business, and that was more than could be said of the Court for the last thirty years. As this business was arranged, he had four-fifths of the year at his disposal. When pressed by his constituents to devote that time to the care of their interests in that House, he felt bound in candour to tell them, that the duties he might have to perform as their Representative must be at all times subordinate to his judicial duties, and he challenged any man to show that he had ever neglected the duties of Recorder of Dublin. He fairly apprised his constituents of the terms upon which he accepted the trust they were about to repose in him, and frankly suggested to them, that they would be better served by a man who could devote to them the whole of his time. He was, however, chosen by the electors of

Dublin; and, upon the ground of his being able to attend in that House only for the times he had stated, he trusted the House would not think proper to interfere with the choice of as free, as enlightened, and as numerous a constituency as any that sent Members to that House. It had been charged against him, that when he was elected to the office of Recorder, he pledged himself to sit for three days in every week; to that he begged to give the most unequivocal contradiction—what he did say was in reference to the Act which, prohibited the Recorder from practising as a Barrister within his jurisdiction as a Judge, permitted him to practise on circuit and in his chambers. He said, that he would not avail himself of the permission which that Act afforded him; he thought it would better consist with the dignity of the judicial office, not to practise as a barrister either on circuit or in chambers—to say nothing of abstinence from private practice enabling him to devote more time to his official duties. The hon. member for Clare, and the hon. member for Middlesex had charged the late Government with something like an offence, in permitting him to sit in that House while he held the office of Recorder. He had no hesitation in admitting that the opinions of the late Government were against his becoming a Member of that House, but on reflection, he came himself to a different conclusion. It was, however, of little importance whether he was or was not a Member of that House, but it was of great importance that a judicial situation, however subordinate, should be wholly independent of the Crown. Connected with this topic, it was important for him to advert to what had been said on the subject of the late Government, which, it was alleged, he was brought in for the purpose of supporting. He denied that he ever came into the House for any such purpose. He meant, on the contrary, to support the present Government so long as it proved itself worthy of the confidence of independent Members; but no Government should have any support from him beyond the moment when that support could be given with independence and consistency. The whole of what had been said with respect to his salary he set at perfect defiance. He received and held his situation in complete independence of the Crown: it was a judicial office, and one

which he should be sorry to see degraded by its holder becoming a quarterly mendicant at the Castle for his salary, or applying for it annually in that House. If the Recorder of Dublin was to be excluded from that House, let the proceeding be adopted on principle, but let not him be made the object of a personal enactment. He concluded by moving for a return of all prisoners in custody and tried during the Recordship of Sir Jonas Greene and the present Recorder of Dublin, and those during the same period remaining for trial, with the number of adjournments and sittings respectively, with the number of traversers and prisoners held to bail at each general Quarter Sessions, showing those cases during that period which had been untried in consequence of the absence of the Recorder; also, copies of warrants issued for the augmentation of the salary of Recorder of Dublin, under the forty-eighth of George 3, c. 140, and the fifth of George 4, cap. 150.

O'Gorman Mahon seconded the Motion, and pronounced a warm eulogium upon the talent and good feeling manifested by the hon. and learned Recorder, observing, that he would, if removed from either, be a loss to the Bench or the House. He assured the hon. Member, that, in the observations which he made respecting the petition in which the hon. and learned Gentleman was complained of, he was not influenced by any feeling of hostility. He did not mean to throw any imputation upon the hon. Gentleman. But, under the circumstances, no other course was left him but to comply with the request of those who had called on him to present their petition. He was confident that the hon. the Recorder and the House would acquit him of all unkindly feeling. The petition was, as the hon. Gentleman had said, that of John Andrew Macdonnell; but it bore the signature of fifty other persons. Of Macdonnell himself he knew nothing. But he knew that person to belong to one of the first families in Ireland. Having received from him a letter, stating that he was in a gaol in Dublin, suffering confinement for a crime of which he knew himself to be innocent, demanding a trial, and unable to obtain one—and stating, that others were similarly circumstanced—he felt himself bound to lay the case before the House. The Recorder, indeed, had now informed him of one fact, of which, until then, he had not heard,

that the petition had fourteen fictitious signatures. He was sure that it was unnecessary for him to inform the House that he was unaware of such a deception having been practised. He disclaimed an intention to cast imputations upon the Recorder, or to act towards him with any want of courtesy. On the contrary, when the petitioner complained that he could not obtain a trial in consequence of the hon. Member being absent from his duties in Dublin, to attend to his duties in that House, he had communicated to the Recorder his having that petition to present. On his way to the House, however, he had met with a gentleman, one of the hon. member for Dublin's constituents, who told him, that he had requested the hon. Member to remain in London, as business was to come before the House in which he (the constituent) was interested. But the Recorder was called away from his duties in Parliament to his duties in Dublin, and could not remain here to attend to the parliamentary interests of those whom he represented. On hearing that circumstance, he had felt it his duty to present the petition. He was glad that he had so done his duty. If he had not done so, the House would not have been gratified with the display of talent which the hon. member for Dublin had that night exhibited. That hon. Gentleman had said, that if before presenting the petition he had looked into it, he would never have presented it; but he did not think that the phraseology of the petitions sent to the House was to influence Parliament in forming a judgment upon their merits. He was sure that if petitions were to be rejected on account of the inelegance or inaccuracy of the language, they who stood in need of protection could never lay their complaints before the House—if their petitions were even written by some Members of Parliament themselves. But the same carefulness of style was not to be expected from men incarcerated in a gaol, as from a gentleman reclining at his ease upon a sofa. The petition, however, came from a person not only in prison, but innocently imprisoned—knowing that his release would be the result of his trial, and not only unable to put himself upon his trial, but even to ascertain when he was to be tried. The gaoler could give him no information. No one could tell him, because the Recorder was absent. Now, what was to be done with

unhappy prisoners, conscious of their innocence, and kept back from trial (maniacs though they might be) he did not know, though the hon. Member, the Recorder, might. What, he would ask, was the fate of this man, Macdonnell, whom the hon. and learned Gentleman called a maniac? How was he disposed of? Was he guilty or innocent? The hon. and learned Gentleman had given no information to the House upon these points. He, however, would tell the House, that the prisoner was arraigned; he was put upon his defence, and triumphantly acquitted; and yet the Recorder would ask him why he presented the petition of a maniac? If he was a maniac, he was, at all events, an innocent one. Was it because he was badly dressed, or because he was not dressed precisely according to the hon. Member's own notions of fashion, that the hon. Member called him a maniac—or was it because he had no waistcoat? If he had not, that was the greater reason why he should not be kept unjustly in prison. It might be true that he had neither waistcoat nor cravat; but it did not follow that he was a maniac. All he knew of him was, that he was descended from an illustrious family, and that it was the fashion to call every Irishman who had anything to complain of, a maniac. The hon. and learned Gentleman had talked of the imaginary sufferings of the petitioners; but he would ask, if it was an imaginary suffering to be in a cold prison without a waistcoat or cravat? The hon. and learned Gentleman might think him mad because he complained of this, and might have said to the jury, "Look at him, look at the madman; he is as mad as a March hare; he is charged with an assault. He had the impudence to send over a petition to the House of Commons about my not being here to try the prisoners, which is alone a proof that he is guilty."—The jury, however, said, "No. It is true he is not clad so well as you are, Mr. Recorder, nor has a three-tailed wig, nor 500*l* a-year in one place and 1,600*l* a-year in another; but still we do think him not guilty," and they accordingly acquitted him. He did not think the hon. Member was justified in using such language; nor did he think that the privilege of Parliament extended so far as to entitle a Member to abuse a person who was not in the House. The hon. and learned Gentleman had entered into a

vindication of the chaplain and the surgeon of the gaol, but it was not against them that he had complained, but against the Recorder. He did not know that Macdonnell was a Catholic, nor did he think that he ought to have inquired, for a man's religion should be left between himself and his God. He thought that Macdonnell was a Protestant, in which idea he was confirmed by the fact of his wishing to receive the sacrament. If he demanded such comfort, the rev. Clergyman should have attended to him; and if he were a Catholic, he should have attended the more readily, in order to rescue him from the delusion under which he laboured. He had heard, that the hon. and learned Gentleman, when he canvassed for the office of Recorder, had declared, that he would give three days in the week to the performance of the duties of the office; which attention was the more necessary, owing to the arrears of business which had been left by his predecessor, and which, he had himself stated, would take two years to clear off. According to the constitution of the country, he understood that every Member of that House was supposed to be always in his place. How, then, could the hon. Member attend to his duties there and in Dublin also? How many persons were there at that moment walking into the gaol of Newgate, and no one there to try them? The hon. and learned Gentleman ought to be there to try them as rapidly as possible, in order that men might not be punished when they were innocent. How many persons were there situated like Macdonnell, and how were they to get out when the Recorder was in London? The Corporation, whom the Recorder represented, for he must deny that the hon. and learned Gentleman was the Representative of the people of Dublin—that Corporation paid the hon. Gentleman 400*l.* a year for attending in that House to watch over their interests and the House yearly voted him 1,600*l.* more for discharging duties in Dublin inconsistent with his duties in Parliament. He had heard much of Reform in England, and of Reform in Scotland, but instead of anything being done for Reform in Ireland, where one of the grossest abuses that existed in the Representation was complained of, the member for Dublin stood up, and called the grievances of Ireland imaginary, and described the aggrieved as

maniacs. The hon. member for Dublin said, that he supported the Government; if that was any merit, he would not deny the hon. Gentleman's claim to it. He was sure the hon. the Recorder would support every Administration as well as he supported the last and the present. No doubt, if there were twenty Governments in the next twenty months to come, as opposed in principle as the last and the present, the hon. the Recorder would keep his place on that side of the House. He (O'Gorman Mahon), however, trusted, that if the hon. Gentleman was so determined a friend to Governments, he would give up his office of Recorder, and not yield to Ministers a support which cost the guiltless prisoners so much of unmerited suffering. The Recorder's assertion of his independence was scarcely reconcileable with the fact, that he received 1,600*l.* a year dependent upon the vote of the House. Of the inconvenience of the Recorder's being a Member of Parliament, he had himself experienced an instance. Having purchased a freehold in Dublin, he was unable to have it registered, because the Recorder was in London. He was, therefore, deprived of the power (to which his freehold entitled him) of voting for an efficient Representative, should the hon. Member be sent back to his constituents.

Mr. *Shaw* said, that the simple fact was, that the confinement of which the prisoners complained, was occasioned, not by his absence from Dublin to attend his duties in Parliament, but by the usual adjournment of the Court in which he had the honour to preside. He regretted that the hon. member for Clare had not an opportunity of registering his freehold, but that was not his fault. Had he been then in Dublin, it would not have been in his power to prevent that inconvenience. He could not regulate the discharge of his duties by the wanderings of the hon. member for Clare. With respect to his independence, he had not said that he was independent of his salary, but the salary did not render him dependent on the House, or on the Corporation of Dublin.

Mr. *Warburton* said, that if the hon. member for Clare would bring in a bill to prevent persons holding judicial offices in Dublin from taking seats in that House, on the principle of the bill which excluded Irish Masters in Chancery from Parliament, he would support it.

Motion agreed to.

GAME LAWS.] Lord *Althorp* said, that before the Recess he had promised to give every assistance in his power to the amendment of the Game Laws; and he was now ready to redeem that pledge. A noble Marquis (*Chandos*) had already undertaken to effect some amelioration of those laws; but the views of that noble Lord differed so very much from his views on the subject, that he felt it necessary to propose bringing in a new bill himself. The noble Lord then gave notice, that he should, on Tuesday next, move for leave to bring in a bill for the Amendment of the Game Laws.

LAW OF SETTLEMENT BILL.] On the motion of Mr. *Weyland*, the Order of the Day for the further consideration of the Settlement of the Poor Bill was read. The hon. Member stated, that the Bill had no reference to the policy of the Poor-laws, but was merely a technical enactment, intended to amend some defects in the existing law, which gave rise to great litigation. By a decision of the Judges, who had strictly interpreted the words of the law, its spirit was violated, and it was consistently with their recommendation that he brought in the Bill to amend the law.

Mr. *Holme Sumner* thought it better that there should be a declaratory law than a new enactment.

The *Speaker* suggested that, as the Bill was likely to give occasion to several questions being put, it would be better that it should be re-committed.

The House accordingly went into a Committee; several verbal amendments were made in the Bill, when the House resumed.

HOUSE OF LORDS,

Friday, Feb. 11, 1831.

MINUTES.] Petitions presented. By the Earl of *SHAFTESBURY*, from Gloucester, for a Repeal of the Duty on Coals carried coastwise. By the Earl of *RADNOR*, from Eastwood, Renfrewshire, for Retrenchment and the extension of the Elective Franchise in Scotland; and from a place in Berkshire, praying for an alteration in the Tithe System. By Lord *WHARNCLIFFE*, from Bridlington, in the East Riding of the County of York, for a Repeal of the Assessed Taxes. By the Earl of *CARNARVON*, from Magistrates and Landowners, of the County of Meath, against the granting of large Pensions by the Crown; praying for a Revision of the Pensions already granted; and also for a Repeal of the Assessed Taxes. By Lord *FARNHAM*, from the Cork-cutters of Dublin, for a Repeal

of the Union. For the Abolition of Slavery, by the same noble Lord, from Halmerend Meeting-house, Audley:—By Earl *GOWER*, from Glenlough.

PARLIAMENTARY REFORM.] Lord *Farnham* presented a Petition from Navan, in the County of Meath, praying for a Tax on Absentee Proprietors, and Reform, but upon a principle in which he could not concur—namely, Vote by Ballot; and the petitioners prayed that the duration of Parliaments should be confined to three years, and that all householders should have the right of voting. He seized the occasion which the presenting of this petition offered him, to say a few words on the subject to which it related. He was not one of those who held the opinion, that the actual distresses of the country arose out of the want of Parliamentary Reform. But he was satisfied that an opinion that such was the case did prevail very generally throughout the country; and he had no objection that the subject should be considered. The noble Earl at the head of the Administration had notified, on the first night of their Lordships' meeting after the Recess, that Ministers had taken up the subject, and had prepared a measure which, as they conceived, would effectually attain the desired object of Reform, without giving any just cause of alarm to those who were anxious to preserve the institutions of this country. He did not at present ask from the noble Earl any information respecting the details of the measure; and it was not with a view to elicit any such information that he now adverted to the subject. But then it was of the greatest importance that their Lordships should have the fullest and most accurate knowledge of the present state of parliamentary representation, and that the most authentic information on that head should be laid before them, before they were called upon to decide on the merits of the new plan. It was to be lamented, that information of this description had not already been produced on their Lordships' Table; but as it was not already there, no time ought to be lost in procuring it, in case the Ministers still entertained the purpose of bringing their plan before the Legislature, at the period which had been already mentioned. He did not know whether, in order to procure the information required, a Committee of Inquiry ought to be appointed, but he was convinced that something ought to be done, to bring the present state of the Re-

presentation, in the fullest and most authentic manner, before the House without delay. He was aware of only two ways in which the object could be accomplished; the one was, by appointing a Committee of Inquiry—the other was, by procuring the most ample supply of documents relative to the subject, so that when the new measure came before them, they might be enabled in the most effectual way to compare the present state of the Representation, with that which would be established by the plan to be proposed by his Majesty's Ministers, in case it should be adopted by the other branch of the Legislature. It would be, therefore, very gratifying to him, if he could learn from the noble Earl that he intended to lay on their Lordships' Table this desirable information before they were called upon to discuss the new measure, in case it should pass the other House, and come before their Lordships. Unless the most ample information should be laid before them by Ministers, he himself should be disposed to move for the necessary documents. He should be very sorry to be obliged to interfere with the course which the Ministers wished to pursue in reference to this subject, but he did think that it was desirable that their Lordships should have better information than that which was to be collected from newspapers, or from Red Books or Black Books. There was a great variety in the elective qualifications in all places in this country, except in the qualifications of the great body of electors for the counties, as to which last alone their Lordships had already sufficient information. But in many places there was a great variety of qualifications, and there were, perhaps, comparatively few persons who had an accurate knowledge of scot and lot, pot-walloping, and other qualifications of that sort; and it appeared to him that they ought to have a full view of the whole. As he had already said, he should have no objection to have the question considered; but he should certainly be disposed to stop the progress of the new measure, until their Lordships were in possession of the information which he had mentioned.

Earl Grey said, that nothing could be more proper, or more considerate, than the resolution of the noble Lord, to abstain at present from requiring any information from his Majesty's Ministers, as to the details of their measure on the subject of

Parliamentary Reform, before it came regularly under the consideration of that House, when the whole of the plan might be fully and fairly discussed. If he (Earl Grey) had thought that any more preliminary information was requisite than that which the Legislature must have acquired in the course of the forty years during which the subject had been under discussion, he should not have failed to call for such information. But although there was a great variety of elective qualifications in different places, he considered that the whole was now sufficiently well known to enable the two Houses of Parliament to compare the present system with that which Ministers meant to propose, and to come to a sound conclusion on their merits; and he was, besides, of opinion, that he could not bring before their Lordships accurately, in the shape of Returns, the description of information which the noble Lord required. But if the noble Lord did think it desirable that such information should be had, and would move for such documents as might appear to him best calculated to elicit that information, he (Earl Grey) should be inclined to give his assent to the motions—provided, however, that they did not interfere with the progress of the measure, which in every view ought to be submitted to the consideration of the Legislature with as little delay as possible. Unless the motion of the noble Lord for documents should occasion an unreasonable delay in the consideration of the subject, he should not be disposed to stand in their way; but it was of the highest importance, that at this moment no delay that could be avoided should take place in bringing under the attention of the Legislature a subject, which, according to the noble Lord's own admission, had made a deep and general impression throughout the empire. It was obviously highly desirable that the matter should be speedily and thoroughly investigated and settled, that men's minds might be set at rest on the subject, and the general agitation composed. As to the other course of proceeding mentioned by the noble Lord, viz. that of an inquiry by a Parliamentary Committee, that was a mode to which he confessed he felt considerable objection. It was a course which he himself had often proposed, and the objection that had always been made to it was, that this would be only setting on foot an inter-

minable investigation, calculated to loosen opinions, without any great chance of leading to any precise or beneficial result. He thought at the time that there was much in these objections, and it had, therefore, become the wish of Ministers to keep clear of them, and with that view they had thought it best to submit the measure at once to the Legislature, in the shape of a bill. That Bill would be discussed on its merits, without keeping the public mind in suspense on a subject which had made a deep impression on the great mass of the community; so that public confidence might be restored, and an additional impulse given to the causes of public prosperity. It was on these grounds that the Ministers acted, and it was for these reasons that they had adopted this course in bringing the measure under the consideration of the two Houses of Parliament—first, under the consideration of the other House, where it was, in every view, desirable that it should originate; and next, under the consideration of their Lordships, whose sanction he hoped it would receive. The noble Lord had referred to what he had said on the first night after the Recess, and he now repeated that the measure had the unanimous approbation of the Ministers, and the sanction of him, without whose approbation they, as Ministers of the Crown, could not have brought it forward. And he did entertain a sanguine hope, that the measure would be found effectual for its purpose, and, at the same time, restrained within such moderate bounds, as to be susceptible of being carried into execution without danger to the institutions of the State. The noble Lord himself had the temper and good sense not to call for any information as to particulars at present; and such information, if it had been called for, he should not have been disposed to give; and neither on this, nor any future occasion, would he say more on the subject, until the bill should come under discussion in its regular progress through Parliament. He repeated, that if the noble Lord thought proper to move for documents, if the motions should not produce undue delay, and interfere with the progress of the measure in contemplation, he would lay no difficulty in the way of the noble Lord.

HOUSE OF COMMONS,

Friday, Feb. 11, 1831.

MINUTES.] Mr. STANLEY took the Oaths and his Seat as Member for Windsor.

A new Writ was ordered for Bletchingly, in the room of R. W. MILLS, Esq., who had accepted the Chiltern Hundreds. Bills. The Money Payment of Wages Bill, and Building Acts Amendment Bill, were read a second time. A Bill to continue the 54th Geo. 3rd (Scotch Bankrupts Act,) was read a first time.

Returns ordered. On the Motion of Mr. BRISCOE, the total number of Lunatic Asylums in England and Wales, stating the number of Patients, &c.:—On the Motion of Mr. GUEST, the Pensions granted out of the Consolidated Fund.

Petitions presented. For the Repeal of the Duties on Printed Calicoes, by Mr. TENNANT, from the Calico Printers of Salford, and some other place:—By Mr. GIBBORNE, from Calico Weavers at New Mills, in the County of Derby, and from various places in the manu acturing districts. For the Repeal of the Duty on Sea-borne Coals, by Mr. R. GRANT, from Norwich:—By the Marquis of TAVISTOCK, from Bedford:—By Mr. Alderman WOOD, from Cripplegate:—By Sir W. INGILBY, from Gainsborough and Spilsby:—By Sir J. NEWPORT, from Waterford:—By Mr. J. JONES, from the Coal-owners of the Southern District of Durham, and from Cardiff. By Mr. EVANS, from Tavistock, for the Abolition of the Punishment of Death. By Mr. HUGHES HUGHES, from the Rev. Thomas Spencer, praying the appointment of a General Synod to inquire into the affairs of the Church, and all that concerns its Revenues and Discipline. For a General Fast, by Sir M. STEWART, from Greenock:—By Mr. PORTMAN, from Long Bredy and Little Bredy, Dorsetshire:—By Lord VALENTIA, from the Congregation of a Chapel in Long-acre:—By Lord BERNARD, from Bandon. Against the Truck System, by Mr. LITTLETON, from a place in Staffordshire:—By Mr. EVANS, from Leicester. By Mr. Alderman WOOD, from the Farmers and Graziers visiting the Annual Christmas Cattle Show, in Goswell-street, praying relief from Tithes; from Cripplegate, in favour of Open Vestries; and from the same place, for the Repeal of the Assessed Taxes. For Reform in Parliament, by the same hon. Member, from Malmesbury:—By Mr. WARBURTON, from Bridport:—By Lord EBRINGTON, from Totness:—By Sir M. S. STEWART, from Paisley, from Stirling, and from Greenock:—By Sir J. NEWPORT, from the Corporation, and also from the Inhabitants of Waterford. By the same hon. Member, from the Catholics of Thomastown, Inistioige, and several other places, against the Grants to the Kildare-street Society; and from two Parishes in Kilkenny, praying for a Repeal of the Union. For the extension of the Galway Franchise, by the Marquis of TAVISTOCK, from Ballindolee:—By the Earl of UXBRIDGE, from the Vicarage of Clare. By Lord STRATHAVEN, from certain Farmers and Butchers, for the Repeal of the Duty on Carts with Metallic Springs. By Mr. BYNG, from Paddington, for an alteration in the New Police Act.

TITHES.] Mr. Alderman Wood presented a Petition from the Parish of St. Giles, Cripplegate, complaining of the burthens imposed on them for the payment of Tithes. When the present incumbent came to his living, his tithes amounted to 400*l.* a year, in 1826 they were augmented to 1,200*l.*; and the Vicar subsequently endeavouring to enforce the payment of 2*s.* 9*d.* in the pound, they were augmented to 1,800*l.* a year. At present the petitioners complained, that they were unable to pay that sum; numberless distress-warrants

had been issued; and unless the Legislature interfered, the parish would be ruined.

Sir *R. Inglis* said, the facts of the case were these: according to the 37th of Henry 8th, the parish was one of those bound to pay 2s. 9d. in the pound on the rental; but for a considerable period, the incumbent had been contented to take a fraction of his right, though he had never given up that right. When he claimed it, discussions ensued, and it was at length agreed to give him 1,800*l.* a year, instead of paying him 2s. 9d. in the pound. An Act of Parliament was passed in the 7th year of the late King, to give validity to that agreement; and now the parish came to the Legislature to ask it to rescind that Act. The parish was not a poor one, for the rental amounted to 40,000*l.* a year, and the rates were appropriated to purposes over which the clergyman had no control. In his opinion, the tithes of the clergy were just as sacred as the property of the Corporation; and he did not think that the House could with any propriety listen to the prayer of the petition. He deprecated discussion on the subject, knowing that it was apt to excite and irritate the feelings both of the clergy and their parishioners.

Mr. *Portman* was sorry such incidental discussions should be raised; and he censured the hon. Baronet for having, in this instance, provoked it.

Mr. *Grove Price* said, that the petitioners had agreed to give the Vicar 1s. 3d. where he was entitled to 2s. 9d.; and he supposed that they wanted the Legislature to give them the privilege of giving the Vicar his 2s. 9d.

Mr. *Alderman Wood* had no wish to throw any imputations on the Vicar, whom he had known long, and knew to be most respectable; but he must repeat, that the parish was not able to bear its present burthens.

Petition to be printed.

Mr. *Littleton* presented a Petition from the Tithe-payers of Marwood, in Staffordshire, praying for the Abolition of Tithes. The hon. Gentleman observed, that he was strongly attached to the Church of England, but he was of opinion, that a law, restricting pluralities, and providing for the more equal remuneration of the clergy, might be very advantageously introduced as soon as our domestic affairs wore a more settled aspect.

STATE OF IRELAND.] Mr. *Dominick Browne* presented a Petition from a parish in Mayo, complaining of Distress; and also gave notice, that he would, on Friday next, present a petition from the County of Mayo, complaining of want of food.

O'Gorman Mahon took the opportunity of asking his Majesty's Government, whether they had received any information with respect to the recent attack made by the police on an innocent and unarmed set of people, in the district which the hon. Member had referred to, by which one man had been killed. Several thousands of the people there were in a state of absolute starvation. Yet what was the conduct of some of the Magistracy? One of the Magistrates had declared, that he would take the first opportunity of shooting a 'bloody rebel,' as he called him, of the name of Hughes, a parish priest, as he would shoot a mad dog. After such a speech, and after the bloody declaration which had been recently made from the Treasury bench [*cries of "no, no, no!"*]. He would say to the hon. member for Limerick—"Yes, yes, yes!" He would say, that the denunciation respecting Ireland would cause torrents of blood to flow in that country, unless that House interfered to prevent it. Another Magistrate of the county of Mayo had declared, that he was ready with a body of men in arms, to rush upon any persons who were friends to the Repeal of the Union. When the Government here, and when their tools in Ireland, had made such declarations, he repeated that he hoped the House would interfere to prevent the torrents of blood which would otherwise be shed. Government appeared to be determined to persevere in prosecuting Mr. O'Connell upon a penal, vicious, and tyrannical Act. [*hear, hear!*] That 'hear' was, he supposed, for the purpose of showing what sort of spirit of conciliation actuated that House, and what the unfortunate people of Ireland were to expect from it. He repeated, that the Act upon which Mr. O'Connell was prosecuted was a penal, vicious, and tyrannical law. It was passed for the purpose of suppressing the Catholic Association, and was now turned to the purpose of suppressing all discussion. He called on the English Government to interfere and prevent any further proceedings against Mr. O'Connell. If he were found guilty, and sent to a dungeon, seven millions of Irish hearts would accompany

him thither. He trusted that Government would be wise in time, and avail themselves of his warning. He hoped the noble Lord would retract the bloody-minded expressions of the other night [*cries of "No, no—Chair, Chair!"*]

The *Speaker* said, he was sure that whatever language might escape from any hon. Member in the warmth of debate, the hon. member for Clare could not mean to impute to any Gentleman in that House a premeditated and deliberate intention to use expressions such as those which he had described; if he did, he must be told that he was not in order.

O'Gorman Mahon had not meant any offence, but merely employed the phraseology which most appositely expressed the sentiments which he honestly entertained towards his Majesty's Ministers. He conceived that the language to which he had alluded indicated a disposition in them to resort to the shedding of blood, rather than consent to the measure which the people of Ireland had determined to carry. He did not mean to call the Ministers bloody-minded; he only meant by that phrase to intimate, that they were disposed to engage in blood rather than yield the point at issue. He was convinced, that if his Majesty's Government were to put an end to the prosecutions which were now going on, they would do a great deal to allay the discontent in Ireland. If Mr. O'Connell were to be found guilty, he was convinced that the effects would be most calamitous: if innocent, what a triumph would it be to their opponents to be able to say, that they had endeavoured to apply a vicious and tyrannical penal law to a bad purpose, and had failed in their attempt. He trusted, therefore, that they would no longer continue the prosecution of men for preserving the peace of Ireland—yes, he maintained that Mr. O'Connell and the Catholic Association had done more than could have been achieved by any other persons for the preservation of peace in Ireland. The Duke of Wellington had said, that a hundred thousand men would not put down the disturbances in Limerick alone, yet that object had been effected by the Catholic Association. If Mr. O'Connell were made a martyr, it was impossible to foresee the consequences. Should he be thrown into chains, ten thousand petitions would be presented from Ireland, appealing to the reason and humanity of the House to liberate him.

Mr. *Stanley* was sure the House would not think it necessary for him at present to reply to the speech of the hon. member for Clare. He rose merely to answer the question which the hon. Gentleman had put to him at the commencement of that speech. No man could more deeply than himself lament the distress which existed in the district of Ireland to which the hon. Gent. had alluded; but the Government was obliged to use peculiar precautions in that district. With respect to the man who had been unfortunately killed, he was one of an armed and tumultuous assembly; and it was doubtful from what quarter he had received his death. A Coroner's Inquest had sat upon the body, and their inquest was to that effect. The Government and the police were anxious that the matter should be fully investigated, in order that the guilty party might be ascertained.

Mr. *Dominick Browne*, as member for Mayo, begged to observe, that he had never heard of any Magistrates having used the expression which had been described by the hon. member for Clare.

Petition to lie on the Table.

Lord Althorp moved, that at its rising, the House should adjourn to Monday.

O'Gorman Mahon availed himself of the opportunity to observe, that the statement which he had made respecting the Magistrates had been published in all the Mayo Papers. The name of the Magistrate who said that he was ready to shoot the bloody rebel of the name of Hughes, as if he were a mad dog, was * * * * *. The name of the Magistrate who said he had an armed body ready, whenever Government gave the order, to shoot away at the Anti-Unionists, was Sir S * * * O'M * *. Let the House recollect the year 1798, and not allow the people of Ireland to be driven into rebellion by persecution.

Mr. *Dominick Browne* repeated, that he had neither seen nor heard anything of the declarations described by the hon. member for Clare.

Lord *Ebrington* observed, that if the hon. Member arraigned the conduct of any individual in the cases to which he had alluded, he ought to make a specific motion on the subject. In his opinion, in the present state of Ireland, the measures which had been adopted with reference to the hon. member for Waterford and his friends, were absolutely necessary; and

he perfectly concurred in the sentiments which had been expressed the other evening by his noble friend, the Chancellor of the Exchequer. He was perfectly convinced that the Repeal of the Union would, in effect, be the dismemberment of the empire. A complete and entire separation of one country from the other must be attended by ruin to Ireland, and destruction to the British empire. He was perfectly ready, therefore, to concur with his noble friend, and to say, if the dreadful alternative were presented to him, of civil war, or the dismemberment of the empire, he would prefer civil war. He had the honour to represent a large body of constituents, and he should not be afraid to go back and state to them the declaration which he had just made. He was also connected by birth and property with Ireland, and he should not be ashamed or afraid to go to Ireland and frankly avow his sentiments.

Sir *J. Bourke* said, he was acquainted with Mr. St. George, and was persuaded that the House ought to receive with great caution any imputation upon that gentleman.—Motion agreed to.

SUPPLY—THE BUDGET.] The various Financial Papers on the Table, having, on the Motion of Lord Althorp, been referred to the Committee of Supply, the House resolved itself into the said Committee.

Lord *Althorp* then said, in rising to address the Committee on the present occasion, he did so with the greatest feeling of embarrassment. The task which he had undertaken to perform was not light, even to those to whom it had been familiar; but to him, who was wholly unaccustomed to the statement of long financial details, it was necessarily one of peculiar difficulty. He was certain, therefore, that the Committee would give him credit when he said that he was not inclined to detain them longer than the occasion absolutely required; at the same time, he feared that he should be compelled to trespass more upon their patience than, under other circumstances, he might be obliged to do. It was his intention to state to the Committee the financial plans which his Majesty's Government had resolved to submit to the consideration of the House of Commons. He took that early opportunity of doing so, because he knew the anxiety of the House and the country to be informed of the nature of those plans. He

took that early opportunity of making a statement of the Supplies and Expenditure, for the reason which he had already mentioned; notwithstanding the whole of the estimates for the present year were not yet on the Table of the House. He trusted, however, that the rough estimate which he had made of the sum total of the expenditure of the year, would enable him to make his statement sufficiently clear and intelligible to the Committee. Before, however, he went into that statement, and into any description of the alterations in our financial system, which he meant to suggest for the consideration of the Committee, he should take the liberty of stating what his Majesty's Government had done with reference to the reduction of offices. The Ministers had not been in Office long enough to propose all the reductions which it might be advisable to make; but they had already determined upon the reduction of many places; some of which might be carried into effect immediately, although the greater part would certainly require time before they could be fully adopted. He would then proceed to state the names of the offices which his Majesty's Government were of opinion might be reduced without any detriment to the public service; and in making that statement, he wished the Committee to understand, that he did not describe the reduction as any great immediate saving of the public money; because, although it would certainly be productive of immediate saving, it would not be so to the extent which might be expected, because it was necessary to provide for many of the persons whose offices were to be reduced, by retired allowances. The names of the offices which it appeared to his Majesty's Government might be advantageously reduced were—The Vice-Treasurer of Ireland, the Lieutenant-General, and Clerk of the Delivery of the Ordnance; the Auditor of the Civil List; the Treasurer of the Military College; the Treasurer of the Military Asylum; the Postmaster-General in Ireland; the Resident Surveyor-General, Surgeon, and other Officers, sixty in number, connected with the Post-Office in Ireland; the King's Stationer, and four Clerks in Ireland; two Commissioners of the Navy Board; two Commissioners of the Victualling Board; the Superintendent of Transports; the Paymaster of Marines, and seven Clerks; seventy-one Officers of

the Dock-yards, with salaries from sixty to six hundred pounds; one Inspector of Stamps appointed to Manchester; one Distributor of Stamps in Cumberland; the Receiver-General of Taxes in Scotland; forty-six Receivers of Taxes in England; the Husband of the Four and a Half per cent Duties; the Commissioners of Sequestration in the West Indies; making, in the whole, 210 places which, in the opinion of his Majesty's Government, might, with the assistance of the House of Commons, be advantageously reduced. Besides the reductions he had described, his noble friend at the head of the Colonial Department, entertained hopes that he should be able to carry into effect the recommendations of the Commission appointed by his Majesty's late Government, to inquire into the abuses of the Colonies; and if his noble and learned friend, the Lord Chancellor, should be enabled to carry his intentions into effect, a great reduction would also take place in his department. He had already stated, that he did not mention these reductions as any great economy in point of money, but as a great diminution of patronage; and as a confirmation of his declaration on a former occasion, that the Government of this country would no longer be carried on by patronage. He would then proceed to make the financial statement for the year. The mode which he should adopt was the usual one of comparing the Supplies which he should have the honour of proposing for the present, with the actual Revenue of the last year. The amount of the proposed Supplies for the present year was 46,850,000*l.*, including, of course, the interest of the Debt and Exchequer Bills, and all the other annual charges. The Income of the year 1830 was 50,060,000*l.*; but from that sum must be deducted the duties on beer, leather, cider, and a portion of the duties on sugar, amounting altogether to 2,910,000*l.* This would reduce the income to 47,150,000*l.* If from that be subtracted the estimated expenditure of 46,850,000*l.*, it would leave a surplus of 300,000*l.* Now, although he was never an advocate for a large Sinking Fund, or a large surplus revenue, he certainly thought that a surplus of only 300,000*l.* was coming too near the margin. He did not consider that a time when distress prevailed very generally, and when doubt and danger was affecting the commercial

and manufacturing interests, was a fitting time to effect an alteration in the system of taxation; but he did think that the present juncture was a favourable one, our manufactures being in a prosperous condition, to make those changes and reductions which might give a stimulus to industry, and relieve the poorer classes. This was the great object he had in view, as he trusted would, before he sat down, appear manifest to the Committee. The question then was, how was this to be done? How did he propose to effect such a reduction? And here another question of no little moment suggested itself. Was it possible to take off the taxes altogether which it was supposed pressed most particularly and directly on the poorer classes, and thus effect the relief they contemplated? He maintained that it was not; and for this reason,—that the poorer classes consumed but few taxable commodities. Then how did he propose to effect this relief? His answer was, that he believed the best mode of relieving the burthens of the labouring classes was, giving them employment, and that this could be ensured only by reducing the taxes which pressed most immediately on the productive industry of the country,—for, by relieving our trade from its fiscal embarrassments, we should add to the means of employing industry. It was with this view that he approached the investigation of the finances of the country. It was hardly necessary to inform the House, that the state of our finances, considered with a view to affording relief by a reduction of taxes, at present did not admit of a large direct reduction of the revenue necessary to meet the expenditure of the country. Still, however, he thought that considerable relief might be indirectly afforded to our productive industry, by a change in the mode of our taxation. Bearing this in mind, he had endeavoured to make such a classification of our taxes as would afford this indirect general relief without detriment to the public service. He had divided the taxes thus into three great classes:—the first, consisting of those on commodities from which a larger revenue might be fairly expected than was at present contributed, if the duty were lessened;—that is, in other words, that the high duty at present levied, by narrowing the consumption contracted the revenue; and that the increased consumption consequent upon a lower rate of duty, would

more than make good the difference between the sum at present collected and the reduced rate of duty. It should be always the care of the Government to endeavour to obtain the largest amount of revenue that could be obtained from an increased consumption, for the very increase, besides being a source of fruitfulness, so far as it went, showed that the rate of duty was not oppressive. The first head, then, of taxes which he proposed to reduce, were those on commodities of which there would be an increased consumption; and, by that means, an increased revenue, in consequence of the reduction. The second class of taxes consisted of those which, instead of being equally and impartially distributed amongst all classes, were levied but on one part of the community. And the third class consisted of those taxes which, besides interfering with our commerce, took more out of the pockets of the people than was furnished to the revenue. These were the three heads of taxes to which he thought it the duty of the Government to direct its attention, with a view to improving the situation of the country. By a modification of all and each of them—by a reduction, or, as it might be, a repeal here, and a more equal distribution there—the general system of our taxes would be much improved, without detriment to the revenue, and to the great relief of the country. It was but justice to his right hon. friend opposite (Sir H. Parnell) to declare, that the general views of finance which Ministers had adopted, and meant to act upon, were those laid down in his admirable work on *Financial Reform*,—a work of which it was almost impossible not to speak in the language of eulogy, and which explained more clearly and more accurately our financial relations than any other with which he was acquainted. The noble Lord then proceeded to say, that the first tax of the first of his three classes,—that from which an increase of revenue might be derived from the increase of consumption consequent upon a reduction of duty—to which he would invite the attention of the Committee, was that on Tobacco. They had several tables, throwing light on the variations of the amount of revenue derived from the duty on tobacco, leading to the inference, that as the tax was high, the revenue was low; and, *vice versa*, as the duty was low, the consumption was so much increased that the revenue

was augmented. It was in this spirit that he proposed to reduce the duty both on raw and manufactured tobacco, and expected no loss ultimately to the revenue, while the reduction would be felt as a great relief by the poorer classes; and, what was a matter of paramount importance, it would destroy the smuggling trade in tobacco in Ireland. He therefore proposed to reduce the duty on raw tobacco from 3s. per pound, the present rate, to 1s. 6d.; and that on manufactured, from 9s. to 4s. 6d. Before he proceeded further, with reference to this tax, he begged leave to call the attention of the Committee to a notice of Motion with respect to the Growth of Tobacco in Ireland, which stood for that evening. It was not the object of his bill actually to prohibit the growth of tobacco in that country; but he saw no reason why a lower amount of duty should be levied on the tobacco grown in Ireland than on that imported. There was nothing in a financial point of view to warrant such a difference, and tobacco was not a species of agricultural produce that called for such a protection. It might be that some day or other some such protection might be necessary, but as matters then were, it would be disadvantageous to this country to unduly encourage the growth of a commodity which could not be cultivated on our soil without a great protecting duty. As a general principle, he repeated, it was wrong to endeavour by high protecting duties to encourage the growth of a commodity for which we possessed no natural advantages, and the article of tobacco presented no feature to warrant its being made an exception. He therefore would propose, as an equivalent to the 1s. 6d. duty on raw foreign tobacco, a tax of a certain—he could not then precisely say what—rate per acre on the land devoted to the growth of tobacco in Ireland, to be levied after the seed had been put into the ground. By this tax, he considered he was consulting the general interests of the country in a broad national point of view—that which alone should influence the Finance Minister of this great empire. Having made these observations with respect to his bill to regulate the growth of tobacco in Ireland, he would proceed with his statement. The next tax to which he would call the attention of the Committee, with a view to reduction,—on the principle, he again begged them to bear in mind, of an in-

crease of revenue from the increased consumption which would follow a reduction of duty—was of a sort which, he admitted, did not apparently seem to bear so immediately upon the comforts of the people; but which he, nevertheless, maintained, was felt as a burthen, and as such the reduction would be hailed as a general benefit—he meant the duty on Newspapers, Stamps, and Advertisements. The stamp on newspapers was at present 4*d.* each number, with a discount of twenty per cent for ready money; and that on advertisements 3*s.* 6*d.* each. He proposed to reduce the newspaper duty to 2*d.* (no discount to be allowed), and the duty on advertisements to 1*s.* on all advertisements under ten lines, and to 2*s.* 6*d.* on all advertisements above ten lines. This reduction, he was confident, would be felt as a great relief to the public at large, while the revenue would be ultimately a gainer. He would next beg leave to call the attention of the Committee to the second class of taxes in which he proposed a modification; namely, that class which, as he had described, pressed partially on a part of the community, contrary to that wholesome principle of taxation which would distribute taxes equally among all classes. The first of this class which called for immediate modification was, as he was sure the Committee anticipated, that on Sea-borne coals. If there was any one tax which pressed more immediately than another on the labouring and less wealthy classes, it was this tax; therefore, if there was one more than another the reduction of which would be felt as a relief by these classes, important as coals were as a matter of fuel, a prime necessary of life, this was it. But it was not only as a fuel consumed by the labouring classes themselves, that the reduction of the duty on coals borne sea-wise would be hailed as a great benefit. As a fuel it was of essential importance in our manufactures—so that by lessening its cost we should remove an impediment to industry, and thus increase the demand for labour. The reduction would therefore operate as a double benefit to the labouring classes. And here he would say, that he hoped that after this evening it would not be said that Ministers were not mindful, or were lukewarm to the interests of Ireland; for by that country, still more than by this, was the Sea-tax on coals felt as a grievance; and, as a consequence, by that country

more than this would the removal of that grievance be felt as a benefit. The extent of that benefit might be estimated when he informed the Committee, that he proposed to repeal the Sea-tax on coals altogether, and by so doing he must in a peculiar manner benefit Ireland. He would next call the attention of the Committee to the taxes coming under his third division—those which interfered with the interests of commerce, and took more money from the pockets of the people than the revenue was benefitted. The tax on Tallow Candles came under this head, and therefore was one of those which he proposed to reduce. Many benefits to the less wealthy classes of society would, he expected, accrue from this reduction. If the farmer, for example, made use of the raw material which came into his possession in his domestic arrangements, and made himself his own candles, without the Excise duty and the manufacturer's profits, it was evident he would be a considerable gainer. And so with respect to other persons engaged in industry, from whom, as he had stated, a greater amount of duty was taken, under the present arrangement, than the benefit derived by the Exchequer counterbalanced. Another tax of this kind,—pressing, if possible, still more exclusively on the poorer classes—which he proposed to reduce, was that on Printed Calicoes. This tax not only operated as an impediment to our manufactures, but was partial in its pressure, and most expensive in its collection; thus uniting the greatest objections that could be offered to the imposition of any tax. The amount levied on the people was actually 2,000,000*l.* per annum, while not more than 500,000*l.* went into the Exchequer. And then, as he had stated, it fell almost exclusively on the poorer classes of consumers, and as such, he need not say, was one which it was most desirable to have repealed. Another tax of this kind was that on a commodity which, under a better system of finance, ought to be one of the staple manufactures of this country,—he meant the duty on Glass. Possessing, as we did so eminently, every advantage which machinery, and material, and fuel could afford with respect to the manufacture of glass, and aided as these advantages would be by the intended repeal of the coast-duty on coals, and by a reduction of the present rate of duty on the commodity itself, it was not too much to ex-

pect with confidence that ere long our glass manufactures would be in a state of great prosperity, with an annually increasing export trade. There were several other smaller miscellaneous taxes, which came under the third division of his subject, which he also intended to repeal altogether, or reduce considerably. The value of some of them might be estimated from the fact, that 163 different taxes produced but 200,000*l.* per annum to the revenue. Of these the chief was the auction-duty on the sale of land, which he meant to repeal altogether, as the revenue derived very little from it, while it operated very inconveniently in cases of sale of landed property. These were the taxes the reduction of which he conceived would be felt generally beneficial without being detrimental to the revenue. The next point, then, for the consideration of the Committee was, first, the loss which the revenue would experience from his proposed reductions, and in the next place, how he intended to make that loss good. He would first state the apparent loss, and then the actual loss. For the sake of clearness he would state the amount in round numbers. The revenue at present derived from tobacco was 2,800,000*l.*, which, reduced one-half, would leave 1,400,000*l.* apparent loss on that article. That derived from newspaper stamps was 389,000*l.*; that from advertisement duties, 150,000*l.* He calculated the loss from his proposed arrangement, supposing that no change took place in the number of either newspaper stamps or advertisements, would be 190,000*l.*, though it was evident that the number of both would largely increase, and the defalcation of the revenue by so much be lessened. The apparent loss, then, on the taxes to be reduced would be as follows.

From the reduction of the duty on	£
Tobacco	1,400,000
Newspapers and Advertisements	190,000
Coals and Slate	830,000
Candles	420,000
Cottons, printed	500,000
Glass	600,000
Auctions, Sale of land	60,000
Miscellaneous	80,000

Making a total apparent loss to the revenue of 4,080,000

Now this sum, he would presently show, would not be so much a loss to the revenue as an actual relief to the people, particularly the less wealthy classes. The next point was, as he said, to make good this

loss without imposing an equal burthen on the people. His plan was, to impose such new taxes, or to modify those in existence, so as not to interfere with the productive industry, nor press on the less wealthy classes. The first article of this kind, the tax on which he proposed to modify, was that on Foreign Wines. The duty at present on French wines was 7*s.* 3*d.* per gallon; on other foreign wines, 4*s.* 10*d.*, and on Cape, 2*s.* 3*d.* He proposed to equalise them, at one standing duty of 5*s.* 6*d.* per gallon. To this scheme of equalization he did not anticipate any serious objection, unless perhaps with respect to the increase of duty on the Cape wine which the new average would impose. But when the Committee took into account that but little trade, comparatively, was carried on in real Cape wine,—what was sold under that name wholesale, and what was usually bought in retail, being very different articles,—it would see that that objection had little weight, as compared with the advantages of which the proposed change would be productive. He did not anticipate any diminution of the general consumption of foreign wines from his proposed average; on the contrary, he had strong grounds for presuming a great increase; but he would take the average consumption at its present amount, and from that we should have an increased revenue. The average annual consumption of foreign wines in this country was 6,700,000 gallons, which, at 5*s.* 6*d.* per gallon, would yield a revenue of 1,840,000*l.* The revenue at present derived was, 1,585,000*l.*; for convenience sake, he would take it at round numbers, and call it, 1,590,000*l.*, which, if deducted from the calculation of the sum which he supposed would be yielded by the general duty of 5*s.* 6*d.*, would leave a surplus of revenue of 250,000*l.* The noble Lord here said, he had to correct the estimate which he had a few minutes before given to the Committee, of the loss which the revenue was likely to experience from his proposed reductions. The sums he had stated were merely proportions of the present revenue, but he did not think the actual loss would equal that. The correct estimated loss would be as follows:—

On Tobacco..	£800,000
Newspapers and	
Advertisements	100,000
Coals and Slate..	830,000 (as stated before).
Candles	200,000
Cottons, printed	500,000 (as before).

Glass	600,000 (as before).
Auctions	60,000 (as before).
Miscellaneous ..	80,000 (as before).

Making a total loss
to the revenue of 3,170,000

With respect to candles, he thought it right to explain that the loss could not be as great as he had stated in his first estimate, because it was not intended that the reduced duty should come into force till the 10th of October next. The reason of this delay was owing to several official communications—of the nature of which the right hon. Gentleman (Mr. Goulburn) must be fully aware—which he had had with several gentlemen interested in the tallow and candle trade, who represented to him, that owing to the quantity of stock on hand, very serious losses would ensue to them if the reduction took place sooner. He felt himself bound to attend to their representations, and thus the period for reducing this tax had been postponed, making that difference in the estimate he had explained. Having thus made this correct statement of the loss which the revenue would experience from his proposed reductions, he would proceed with the plan by which he proposed to make good the defalcation. He had already stated the grounds on which he expected an increase of revenue from the wine duty to the amount of 240,000*l.* The next tax which he proposed to modify was, in principle, like to that on wine. It was one which had been frequently discussed in that House, and one in which he had himself, as a member of the Foreign Trade Committee, taken an active part. The tax he alluded to was that on Timber, one which imperatively called for re-modification. A simple statement of the regulations at present in force with respect to this trade would place this in a clear light before the Committee. The duty on foreign European timber in the rough whole state was 55*s.* per load; that on Canada timber, 10*s.*; while the duty on the same timber, cut up in deals, was on the European, 45*s.* per load, and that on the Canada but 5*s.* 9*d.* The tax evidently, as it stood, was not only unequal, but it was higher on the raw than on the manufactured article. There were other considerations connected with this subject, which he might take advantage of a more convenient opportunity to enter upon; at present he would confine himself to it as a matter of finance. In this light, then, he pro-

posed not to actually equalize the duties, but to place them nearer such a level as would conduce to the general interests of the country, without injury to any particular class or individuals, while the revenue derived from the tax would be considerably increased. Timber was an article not easily smuggled, so that an equalizing duty was not so necessary as it would be with a less bulky commodity. He proposed, therefore, to lower the duty on European timber to 50*s.* per load, and raise that on the Canada timber to 20*s.*,—rates which would bring them nearer to an equality in the market than those unacquainted with the timber-trade could readily imagine, while the preference which we bestowed on the produce of our own colony would be maintained. The advantage of duty in favour of the Canada timber would still be 30*s.* the load. He was warranted from existing data to calculate the increase of revenue from this change of duty at 750,000*l.*; but to prevent disappointment and needless controversy, he would take it at only 600,000*l.* The next tax he was about to propose was one to which, *in limine*, he anticipated objections, which, however, the advantages would, he hoped, counter-balance. It would be objected, he expected, that it went to impose a new tax on one of our staple manufactures, and would besides be attended by the inconveniences consequent upon a drawback duty. He admitted, he repeated, that these were objections; but though he was unwilling to tamper with a staple commodity, by imposing a new tax upon it, the sum would be small, and only intended to meet the loss which the reduction of the duty on the same article in another form would occasion. The Committee was aware, that by reducing the tax on printed cottons, those consumed by the poorer classes, there would be a loss to the annual revenue of 500,000*l.*; and they were also aware that one principal ground for making that reduction was, that the tax fell more particularly on the less wealthy classes. Now, he proposed to throw the tax over all the consumers of cotton, instead of chiefly on one part, as the duty at present pressed, and thus save the revenue, and relieve the poorer classes who consumed the article. This would be accomplished by a duty of 1*d.* per pound on all Raw Cotton imported, with a drawback duty to the same amount on all manufactured cotton exported. He admitted that there were

objections to this drawback duty, and to a tax on the raw material of industry, but he put it to the Committee, whether the advantages, on the other hand, did not more than counterbalance the objections. He would take the revenue to be thus derived at 500,000*l.*, judging by the average import of cotton for the last few years. The import the last year of all was 179,200,000*lb.*; of which there remained for home consumption, about 119,500,000*lb.*, which, at 1*d.* per *lb.*, would produce nearly 498,000*l.*; he would take it at 500,000*l.* in round numbers. The next tax to which he invited the notice of the House was that on the export of Coals. At present, the duty amounted to an actual prohibition, it being 17*s.* 6*d.* on the large coals, and 4*s.* 6*d.* on the smaller. He proposed to have but one duty of 10*s.* on both; and by thus encouraging the trade, he counted on an annual revenue of at least 100,000*l.* The next tax was not a modification of an existing one, like those which he had submitted to the consideration of the Committee, but one which he meant to propose as a new source of revenue. He proposed to impose a tax per head on Steam-boat Passengers, to which he anticipated no serious objection. The rate he proposed was 1*s.* per passenger, where the distance is not more than twenty miles; 2*s.* from twenty to thirty miles; and 2*s.* 6*d.* for all distances above thirty miles. He could not then venture to calculate the precise revenue which this tax would furnish, but he expected it to be considerable; and he had the authority of Mr. Dean, of the Customs, as to the comparative ease with which it might be levied. He would, in round numbers, take this tax at 100,000*l.* The next new sources of revenue to which he looked were connected with principles of finance of no ordinary importance, and therefore called for the best consideration of the Committee. He had already stated his intention of relieving the landed interest from the burthen of the duty on the Sale of Landed Property. The amount of the relief was, he admitted, not much, when spread over a wide surface; but still it was, as far as it went, a relief, particularly to the sellers of smaller portions of landed property; for by one of those strange anomalies in our existing system of taxation, the duty on a sale of a small amount of landed property was higher than on the sale of a large amount. To remedy that defect, and at the same

time assist as much as possible in equalizing the weight of the public burthens, he proposed to lay a duty of $\frac{1}{2}$ (10*s.*) per cent on the *boná fide* sale or transfer of landed property; the duty not to be levied on such transfers as are made for the purpose of mere security. This would be a new tax of $\frac{1}{2}$ per cent on the landed interest only. Now, it was contrary to every sound principle of finance, as well as justice, that any one interest or species of property should be taxed more than another; and he therefore proposed to levy a duty of $\frac{1}{2}$ per cent also on every *boná fide* Transfer of Funded Property; with the like exemption as in the case of a mere security transfer of landed property. He could not anticipate any objection in fairness to this new transfer duty. He admitted that there was a delicacy sometimes attendant upon those transfers of property; but none which equalled the occasional inconveniences of exposure occasioned by the Income-tax. It might, perhaps, be objected, that funded property was expressly protected from taxes of this kind by Acts of Parliament. He admitted that the words of one of the Acts, with respect to this species of property, admitted of that interpretation, that it (funded property) should be exempt from all "other (than those expressed) charges and impositions whatever;" but Mr. Pitt himself contended, since that Act was passed, that it could not be construed into a breach of the public faith that the holder of funded property should be compelled to contribute his just share towards the exigencies of the country. He (Lord Althorp) entirely coincided with Mr. Pitt, in his view of the tenure under which funded property was held. Why should it be exempted from burthens which the landed and every other property of the State were subjected to? He admitted, that his proposed tax on the transfer of funded property would be but a beginning, but then it was a beginning that could not be cited as a mischievous precedent; for all it went to accomplish was, to place it and landed property on a fair and equal footing with respect to the public burthens. Had he proposed to levy a duty on funded property alone, or on landed property alone, there would be ground of just complaint; but as his object was to prevent either enjoying an exemption or privilege in contributing to the exigencies of the State

over the other, he could not anticipate any valid objection. It would be a great convenience to the commercial world to have the power to do this. The distinction between the two classes was easily made, and therefore there would be no difficulty in adopting the proposition which he now submitted to the House. The amount of revenue which would accrue from this source would be 1,200,000*l*. That was to say, he expected to receive 800,000*l*. from the transfers in the funds, and 400,000*l*. from the transfers of land. He would now proceed to recapitulate the statement which he had already made as to the amount of revenue which he expected to derive from his new taxes. It stood thus:—Increase on

Wine	£240,000
Timber	600,000
Cotton	500,000
Coals	100,000
Steam-boats	100,000
Transfers	1,200,000

Total £2,740,000

Such being the amount of revenue which he expected to derive from the new taxes, he would now proceed to recapitulate the whole amount of revenue for the ensuing year. The income for the year 1830 was 50,060,000*l*. If from this sum were deducted the loss by the taxes taken off in 1830, which amounted to 2,910,000*l*. the income left for the present year would be 47,150,000*l*. Now he found that, owing to the increased consumption which had been created of several articles, by the reduction of the taxes upon them, there was an arrear due to the Excise of 580,000*l*. at the beginning of this year more than there was at the commencement of the last. He might, therefore, reckon upon that sum as part of the increased revenue for the year, and then it would be 47,730,000*l*. Deducting the taxes which he had taken off, and which he estimated at 3,170,000*l*.; there would remain 44,560,000*l*. for the revenue of the year. He added to this sum 2,740,000*l*. for the amount of the new taxes which were to be imposed; and that raised the income to 47,300,000*l*. Deducting from this sum the estimated expenditure for the year, which he had before shown would be 46,850,000*l*., it would leave a clear surplus of 450,000*l*. These were the propositions which he intended to submit to the consideration of the House. It happened that he had shown them that

very morning to a gentleman who was well skilled in matters of finance, and had asked him, what he believed would be the result of them upon the country. His friend told him that the monied interest of the country would not like them, but that the manufacturing interest would. He thought that this was the greatest praise which his system could receive. If either of these interests were not to like it, his object was, that the manufacturing interest should like it. He hoped that the House, when it took into its consideration the effect which would be produced upon the country by taking off the taxes on tobacco, coals, candles, cotton, glass, &c., and when it reflected on the great compensation which the revenue would receive for its apparent loss, in the increased consumption of those articles, and in the greater employment of the people, would not withhold its approbation from the experiment,—and he admitted it to be a bold experiment,—which he now recommended it to make for the public benefit. It was an experiment which he believed in his conscience would succeed; and if it did succeed, it would increase the prosperity of the country to a great amount. He concluded by moving, that a sum not exceeding 2,000,000*l*. be granted to his Majesty for the Transfer of Aids in the present year.

Mr. *Goulburn* said, that on the present occasion he rose to address the House under circumstances of no less difficulty than those which the noble Lord described himself to have felt in opening the statement which he had just made to the House. He felt the difficulty of entering at present into a detailed discussion on a subject which branched out into so many heads, which embraced so many details connected with the revenue, and which, in one part at least, embraced a departure from principle, which he did not expect to have heard proposed by any Minister to the House. He could assure the House, that on the present occasion he rose under feelings of the deepest regret—he could not but lament to hear the noble Lord, holding the official situation which he held, endeavouring to draw a distinction between the monied and the manufacturing interests of the country. He had hoped, that the Minister, whoever he might be, to whom the financial interests of the country were intrusted, would be anxious to unite all its various

interests into one common concern. But when he heard the noble Lord declaring that he liked his plan because it would give pleasure to the monied and pain to the manufacturing interest—[*Cries of "No, no," in which the Chancellor of the Exchequer joined.*] He repeated, that he had heard that sentiment expressed in the noble Lord's speech. He had heard that sentiment, if not those words, and he had heard it with regret, as it was the first time that it had ever been expressed within the walls of Parliament. The feeling which he had upon this subject was so paramount to all the other feelings which had been excited in his mind whilst attending to the speech of the noble Lord, that he considered it to be his duty to advert first of all to the proposition which was last made by the noble Lord, and which was intended to accomplish an increase of revenue by imposing a duty on the transfer of Stock. It had hitherto been the glory of the House, and the pride of those to whom the control of the national finances was intrusted, to keep inviolate the contracts which Parliament had made, and which time had sanctioned, between the individuals who had lent, and the country which had borrowed, their money. In times of danger and of difficulty, when we were contending with formidable enemies for our very existence, and when a deviation from the strict rule of right might at least have been pardonable as a venial error, there was a sense of honour in the country which deterred its Ministers from proceeding to a violation of its engagements. It had been reserved for the present Ministers—when no man who knew the elasticity of the industry of the country, and its power of contending against any temporary difficulties, could doubt of its capability of surmounting its present distress, whatever that distress might be,—it was reserved, he said, for the present Ministers to violate, in time of peace, an engagement made, over and over again, with the proprietors of a peculiar species of property, as the price at which they lent their money to the State in times of extreme difficulty. He could almost suppose from the speech which the noble Lord had just delivered, that he had never looked at the contracts which had been made on this subject between the Public who lent, and the Government which borrowed, its money; for he knew

the high character of the noble Lord too well to doubt, that if he had read the terms of those contracts he would have stated them to the House, and would not have referred hon. Members to a part of the Acts which had no reference to the subject under discussion.

Lord *Althorp* said, that he had read the terms of the contracts—that he had then before him on a piece of paper, which he produced, the very passage in the Act of Parliament to which the right hon. Gentleman was alluding,—and that he had intended to have read it to the House, though he had forgotten to do so, in order to show that there would be no breach of faith in imposing this transfer duty upon funded property.

Mr. *Goulburn* thought, that under all the circumstances of the case, the House ought not to be called upon to come to an opinion upon this point, even in the first instance, without understanding distinctly the nature of the engagement under which the public creditor had lent his money to the State. He had at that moment one of the Acts before him under which money had been lent to the Government. The provisions in that Act were the same with those contained in every subsequent Act under which a loan had been raised by the Government; for the clauses in the first Act were regularly repeated in all the Acts which sanctioned subsequent loans. There was a clause in that Statute which exempted funded property from any tax or imposition whatever; but, said the noble Lord, "that clause cannot be a restriction upon you here, because you have already rendered that property liable to the property-tax." He wished, however, to call the attention of the House to a subsequent clause in one of the Statutes, referring directly to the subject now under consideration. In that clause, after describing the mode in which property of this kind should be assigned and transferred, it was stated, as a condition, that no charge whatever should be made on such property. The words were, "And that no other mode of assignment or transfer of such property shall be good and available, and no stamp-duties whatever shall be charged on such transfers or any of them, any Act of Parliament to the contrary notwithstanding." Could there be a more specific engagement on the part of any Government? Could there be a more binding contract than

that which he had just read in the words of this Act of Parliament? Did it not seem that the lender of money to the Government, foreseeing that his money might at some time or other be made the subject of a tax, had thought it necessary to stipulate for this particular condition in his favour, and to prevent the imposition of a duty that would diminish the value of his property, thus advanced for the purposes of the Government? In his opinion, the fundholder had foreseen that attempt, and had tried to prevent it; and as long as he had a voice to raise in the fundholder's behalf, he would raise it to declare, that the fundholder was entitled to the benefit of this exemption, and he would enter his protest against any imposition of duty on property of this nature. In his opinion, this measure was a violation of public faith—it was an act of injustice; and, like all measures of that kind, it would prove as impolitic as it was unjust, and would be productive of nothing but injurious consequences to the Government. Had the noble Lord considered the extent to which these transfers would go?—It was likely that he had, because, by the estimate he had formed of the probable amount of the tax, he had proved his knowledge of the rapidity of the transfer of such property. What, (he could not refrain from asking) what was it that gave a value to funded property in this country over the funds of other countries, but the readiness of transfer? Was it not the facility with which individuals who held that property could, without loss, bring their property into the market and dispose of it? It was that which gave to the funded property of this country a sort of character of a circulating medium, and made it a source of internal prosperity. When the noble Lord recollected that, did he think that that tax would not interfere with the present condition of funded property, and of the arrangements made with respect to it?—that it would not have the effect of placing our Stocks in the same position as the Stocks of other countries? and finally, that it would not interfere, not only with the value of funded securities, but of every species of mercantile security in the country? He called on the noble Lord to look how this change would operate on those institutions which that House had often thought it a duty to encourage. The Parliament had thought fit too, by the

provisions of a Statute, to hold out protection to certain institutions formed for the benefit of the poorer orders of the community. They had directed that the collections of Savings Banks should be invested in the Funds, and that from time to time they might be bought in or sold out as the necessities of the case and the advantages of the institutions required. The noble Lord must be aware that the whole proceeding consisted of buying in when the depositors in Savings Banks were abounding in money, and selling out when they were in need and difficulty. The noble Lord should remember, that at present these purchases and sales might be made for the benefit of the poor man five or six times a year; and then he should consider whether these sales would continue, and what inducement, beyond the mere pleasure of buying and selling, could now remain, when every other advantage was to be sacrificed for the supposed benefit of the Government. He thought, indeed, that the amount of benefit the Government would receive would be but small, while he was convinced that, not only with reference to those institutions to which he had referred, but to others, the tax would be a serious evil. That evil, too, would affect all private persons, who, possessing capital, did, under the present system, invest it from time to time, and dispose of it again as their particular exigencies required. The tax would operate not only as a check to the great monied interest, but it would repress those very interests which the noble Lord, by the remission of some parts of taxation, had stated, and he (Mr. Goulburn) believed, had stated truly, he wished to relieve. He was convinced that the operation of these measures would repress the industry and welfare of the classes the noble Lord intended to relieve, more than the reduction of taxes would give them assistance and benefit. He should therefore implore the noble Lord to re-consider that part of the arrangement which he had submitted to the House—to pause before he adopted a departure from the strict adherence to contracts made by the Government with the public creditor—an adherence always the characteristic of this country, and which had made the funds of this country, not only with those who resided here, but with those who were natives or residents in other countries,

to be considered the safest and the best public funds in Europe. What he had said upon this subject had not been well connected and digested, because he had had no opportunity of considering the subject, and preparing himself; but objections appeared to him to arise in every direction. The noble Lord must see, that one of the effects of this tax was, that it would give an advantage to the dealer in foreign securities. Let the noble Lord inquire how an interest in foreign funds was transferred, and how, in making these transfers, they avoided that taxation which the noble Lord was about to impose upon ours; and he would then probably see, that his measure must inevitably banish capital from the country. In this latter point of view he was naturally drawn to another branch of the subject, to which it was impossible he should not call the attention of the House. The noble Lord proposed that we should commence the present financial year with the prospect of only possessing at its termination a surplus of 450,000*l.*—a surplus to be obtained, not by taking known sums of revenue, and showing their amount to exceed the known expenditure of the country, but by estimating what would be the produce of the new taxes, and of those which had not been abolished or reduced. He must say, that he thought this was a very dangerous course. About this time last year, the hon. member for Callington had thought that he (Mr. Goulburn) acted in a most hazardous manner when he withdrew a certain amount of taxation. That hon. Member told him, that he was making a hazardous experiment with the resources of the country in leaving so small a surplus; and that, in so doing, he was departing from the precedent afforded by all former Chancellors of the Exchequer. He had answered that accusation by showing, that, from the sources of revenue on which his calculation was founded, the surplus would be, not 450,000*l.*, as now stated by the noble Lord, but 1,600,000*l.*; and that, if he was not much deceived, the surplus would be found to be still higher than the estimate, from the augmented gross amount of those duties on which reductions had taken place. He must, however, remind the noble Lord, that he then admitted, that if he did not receive the augmentation he expected, it would be the duty of Parliament to look to the state of taxation; for he acknow-

ledged that they were bound to take care that there was at least a probability of the Government having a surplus of three millions or upwards at the close of the year. It would certainly be difficult and hazardous to say that the noble Lord was able to calculate, for the first time, what would be the result of the revenue for the present year; but he must say, that if the House should sanction the project of the noble Lord, he believed, at the end of 1831, it would be found that we were without a surplus at all, and that we should be under the necessity of raising money on Exchequer Bills to meet the demands on the Government. He feared that the Government would be obliged to have recourse to that, which of all others was the worst system of finance of the country. The mode adopted by the noble Lord would be gratifying to the classes of people in the country whom it appeared to relieve, but who would afterwards find, that fresh burthens must of necessity be imposed upon them, in order to remove too close a competition between the revenue and the expenditure. He felt sure that the hon. member for Callington, to whose opinions he had before adverted, would not hesitate on this occasion to lend the sanction of his authority in support of the objections which he (Mr. Goulburn) had just stated, and would join with him in urging the noble Lord to adopt a course that would be likely at the end of the year to place before them a picture more consistent with the public interest. When two topics of such pre-eminent importance arose out of the speech of the noble Lord, it was scarcely possible to enter into a minute examination of the particular taxes which he proposed to remove, or of those which he now recommended them to impose. These details must come separately under the consideration of the House at a future period, and he should reserve himself till that time before he attempted to go into any examination of the separate measures of reduction. But with respect to some of the matters in the noble Lord's speech, he must say, that he thought there was, in the arguments of the noble Lord, some degree of inconsistency, when he explained his removal and his imposition of taxes. The noble Lord said, he removed the taxes on printed cottons, as those taxes pressed heavily on the lower classes; but, at the same time, the noble Lord stated

his intention to impose a duty on raw cotton. The noble Lord took off the one duty because it was burthensome, though it was evident that it could only affect one garment of the poorer classes, and imposed a duty on all the plain cottons of the country; and he did not think that the poor would receive half the benefit from the one that they would receive injury from the other. Nor was the argument of the noble Lord, as to the inconvenience of keeping up a large establishment for the collection of a small duty, that hardly paid the expense of collection, quite consistent with that by which he defended the imposition of a duty on raw cotton. When he proposed a reduction of taxation as a relief to those articles which were the produce of the industry of the people, his arguments could scarcely be reconciled to what he did with respect to the timber duties; for, by increasing the duties on timber, he must diminish the employment and the comfort of the people, for these duties would add to the expense of erections, and would prevent building. With respect to the repeal of the taxes on glass, he should say nothing more than that he took it, that whatever was gained by the people in glass would be lost in timber. His object when he rose was, to call, without loss of time, the attention of the House to that particular duty which he had first brought under its notice. He entreated the noble Lord to read the Statute which contained the contract between the Government and the fundholder, and, before he conclusively determined on imposing this duty, to see whether he could satisfy himself, or satisfy that House, or, what was more difficult still, whether he could satisfy the country, that it was possible, with a due regard for the public faith, and for the commercial and monied interest of the country, to impose this duty on the transfer of property in the public securities.

Mr. Ward said, he was taken by surprise by the propositions of the noble Lord, so that he was unable to collect his ideas in such a manner as to express his feelings fully on this subject; but he was able to assert, and he did assert, that it was not possible for any one to oppose a measure with more decided hostility than he should oppose this tax on the transfer of funded property. He took that opportunity of stating, that of all the bold

measures he had ever heard proposed within the walls of Parliament, that tax was the boldest. In the present convulsed state of Europe, that the Government should content themselves with a surplus income of 3 or 400,000*l.*, was a matter of the greatest astonishment; but even if he were assured of the continuance of peace, he should say, that it was part of a peace policy to have a surplus of a more decided kind. Such had been the principle on which Pitt, Fox, and Tierney, had always proceeded. Besides, there was a Resolution on their Journals, yet unrescinded, to this effect. It was resolved, on the 3rd of June, 1819, "that to provide for the exigencies of the public service, to make such progressive reduction of the National Debt as may adequately support public credit, and to afford to the country a prospect of future relief from a part of its present burthens, it is absolutely necessary that there should be a clear surplus of the income of the country, beyond the expenditure, of not less than 5,000,000*l.*; and that, with a view to the attainment of this important object, it is expedient, now, to increase the income of the country by the imposition of taxes to the amount of three millions per annum."* The last Committee which had considered this subject had taken the amount of necessary surplus at three millions, and that opinion had been realised up to the present time. The object of a Sinking Fund was not only for the benefit of the public creditor, but for the advantage of the country at large, by means of having a surplus income, that at those periods when the low rate of interest permitted, Ministers should be able to save the country a considerable annual expenditure, by effecting a change in the public funds, as they had done in July last year, when they effected a saving of three-quarters of a million, and as they had done in other instances, when the saving amounted to one million and a half. He repeated his strong objection to the tax on the transfer of funded property, and declared, that he would oppose the proposition of the noble Lord on every occasion.

Mr. Alderman Waithman said, that the statement of the noble Lord opposite had been distinguished by great candour; and for the reductions which the noble Lord had effected, he felt most grateful. From the

* Hansard's Debates, vol. xl. p. 865.

measure, however, proposed in the latter part of the speech of the noble Lord, he thought that many difficulties would arise. With respect to the tax on timber, he differed from some of the hon. Gentlemen near him; for he did not think that we ought to throw away our colonies, or treat them lightly. He was of opinion that they ought to be well treated, and have their interests considered and protected; and then we could derive advantage from them. If they were governed properly, we must benefit by them, and even at present they afforded us the best part of our foreign trade. There was some of the Canada timber, for instance, that was equal to any that came from the Baltic. The House had recently been occupied in considering a grant on account of improvements in Canada. The question was, whether the country should throw away more money on that colony. He thought that the former votes on that subject had been wrong, but he thought it would be very absurd, after spending so much money on the colony, to throw it away altogether. Then, as to the duty on wine—except the trade we carried on with our colonies, the best part of our foreign trade was with Portugal. Yet now we were called on to sacrifice it to France, by equalizing the duties on wine. We had already made many sacrifices to France in our commercial policy; we had sacrificed our manufactures by allowing the competition of theirs, and now we were going to sacrifice the trade with Portugal, and give a further advantage to France, from which we had received none at all. Adam Smith, who was considered as the founder of the science of Political Economy, under which this principle of giving up advantages to foreign countries, had been adopted, never recommended such a course as this. With respect to the noble Lord's proposition as to the duty on printed cottons, he highly approved of it. He always considered it a folly to impose such a duty, when there was at the same time such a considerable drawback. He saw no objection to the penny duty on raw cottons, especially with the advantage of the reduction of the other. He thought the taxes on the transfer of landed property wrong; but that on the transfer of funded property was impracticable and unjust. He did not know how the law stood in that respect; but when he considered how many of these transfers there were in one

day, and how necessary it was, that such transfers should be rapidly and easily made, he could not but think that the tax would be a tax upon distress, as that now imposed on insurances against fire was a tax upon prudence. It happened very often in business, that a man had a bill returned, or some other sudden call for money, and was obliged, to meet it, to sell stock, or perhaps get a friend to sell stock to oblige him. Now, to tax the transfer of such stock was, in fact, to tax misfortune, and he should resist it. Why did not the Government impose a Property-tax at once? Men of large landed property, who were in good circumstances, and who were not required to sell their property, would escape the tax, while those who were obliged to sell their property, in order to make a settlement on their children, on the marriage of a son or a daughter, would have to pay this tax. There was one other class of property that would altogether escape the tax—he meant ground-rents, and property secured by mortgages. Ground-rents, especially in the neighbourhood of London, had of late years doubled, while every other species of property was depreciated; and yet they would remain untouched. Why, too, were the absentees to escape? Why were they not to be taxed? A late Chancellor of the Exchequer, who was now in the other House, Mr. Vansittart, had stated, that there were $2\frac{1}{2}$ millions of money annually expended by absentees on the Continent. He believed that the amount was double that which he had just stated; but taking that to be the true amount, he wished to know why they were to escape? He wished the noble Lord had put a tax on these persons, and had repealed the House and Window-tax, for it was a tax of the most partial and grievous kind. He had presented many petitions against the Assessed Taxes; and from the unequal manner of their imposition, and other circumstances, he did believe them to be the most vexatious kind of taxes. When Mr. Pitt was about to propose the Property-tax, it was petitioned against, and after a good deal of contention—for he was an obstinate man—he was at last convinced that the part of houses occupied in trade constituted two-thirds of their real value, ought not to be taxed. He should have liked to see the Assessed Taxes repealed, and he wished the noble Lord still to turn the matter in his mind. With regard

to the noble Lord's proposition respecting the Stamp-duties, he cordially approved of that, and had himself given notice of a motion for the reduction of them. He must say, however, at the same time, that he was convinced there never would be such a repeal of taxes as to be beneficial to the people while the present corrupt system of representation continued. While the Ministers were encumbered as they were at present, he was sure they could not do all that the people required, or all that they wished. He called on them, therefore, to propose a plan of sound Reform, and to throw themselves on the people for support.

Mr. J. Smith said, he felt a great deal of anxiety respecting this question. There was no man in that House who had seen the formation of the present Government with more satisfaction than he had because Ministers had pledged themselves to certain measures, which, if carried on with determination and prudence, would be of the greatest advantage to the country; but he was under the necessity of saying, that one of the measures now introduced was ill-advised, was dangerous, and ought not to pass that Committee. In stating this, he must take the liberty of requesting the attention of the House to a few observations upon matters connected with that measure, and not alluded to by the right hon. Gentleman opposite (Mr. Goulburn). He concurred mainly with what the right hon. Gentleman had said; but there was one particular point of considerable importance which he had not touched, and which his (Mr. Smith's) situation in the world enabled him to speak of as one, within his own experience, highly deserving the attention of the House. The subject to which he alluded was connected with the proposed tax on the transfer of funded property. In referring to that matter, he should say nothing whatever about the Act of Parliament; others could do that better than he could. There was no man who was more anxious than he that the public faith should be kept with the public creditor. Rather than violate it in the slightest possible degree, there was hardly anything he would not do. And before they violated the public faith, there was one measure to which they could have recourse, and which he should recommend to the Government; namely, a tax on the rich—a tax on those who had property. Rather let them im-

pose 20 per cent on incomes above a certain amount, leaving the poor alone, than see one item of the honour of the country impeached. One great objection he had to the tax on the transfer of funded property was, that putting money in the funds was a convenient mode of investment for the monied interest of which they now made use; for though the money could remain untouched, it was easily and readily convertible. But if the Government imposed a tax on that sort of property, so that no man could transfer 100,000*l.* without paying 500*l.* for it, he (Mr. Smith) would undertake to say that the transfer would not be made. The immediate operation of such a restriction could hardly be unknown to any one; at least, it was not unknown to commercial men. Bankers often made large advances, of the highest importance, at particular periods, in the commercial world, and they made these advances upon the security of stock. He would give an instance of the kind he referred to. In the dreadful crisis which took place in the years 1825 and 1826, what would have been the situation of the City of London, if individuals possessed of stock had not sold it to assist their friends? He could take upon himself to say, that had it not been for the great exertions of many individuals, and especially for the kind and liberal conduct of the gentleman who then filled the Chair of the Bank, the consequences would have been dreadful. He did not know exactly what might have been the consequences, but he was one of those who feared that universal panic and ruin would have been spread through England. But even under such circumstances, would he have sold 100,000*l.* Consols, if he had had to pay 500*l.* for the sale? The noble Lord had talked of *bonâ fide* transfers of funded property. He should like to know how the noble Lord could distinguish between those transfers that were *bona fide* and those that were not? He was certain, and in saying this he spoke as a banker, that if he was not able to get money when his occasions required it, he should be exceedingly cautious how he lent others money. He had always thought, that the greatest boon the right hon. Baronet opposite had ever conferred upon the country was the settlement of the currency; but now when the trade of the country was extending in every direction, when, to his knowledge, there was an order in London for a million stand of arms, and a million yards

of cloth for foreigners, he must say, that the settlement of the currency would be an injury rather than a benefit, if the transfer of stock was now to be encumbered with difficulties and duties, for no prudent man would think of contracting for such orders as he had mentioned if he did not rely on some assistance from the transfer of stock in their execution. He had heard of this intention of the Ministers; and in the course of the morning he mentioned to the hon. member for Callington the report he had heard, on which that hon. Member exclaimed, "Oh, it can't be true—you have been imposed upon." He told the hon. Member that he had not been imposed upon—that he had received the information from an individual who had never yet misinformed him, and who appeared to have means of his own by which he obtained a knowledge of the financial operations of the Government. He was now confirmed in what he had heard, and he regretted it, because he thought the proposition in every way objectionable. With respect to the smallness of the surplus kept by the Government, he would now only observe, that he was not fond of war—other nations were less able to meet the difficulties of it than ourselves—yet, though it would be extremely burthensome to us, he was sure, that in the event of any necessity arising to protect our honour, or to avenge an attempted injury, the spirit of the country would be exhibited, and the people would rise as one man again to display that courage and perseverance which had before conferred victory upon the nation. Short of self-defence and self-preservation, he knew of nothing that should induce him to vote for any measure that might lead to hostilities. In his opinion, the funding system, by supporting credit, and by the facilities it presented of raising supplies, was a security against war, because it gave promise of the means of carrying on war; and regarding war, as he did regard it, as the greatest of all human evils, he could not help considering this as one of the most beneficial results of the system. He was convinced that that part of the noble Lord's proposition that related to a tax on funded and landed property would be attended with the humiliation and embarrassment of the monied interest, and he should oppose it to the utmost of his power. The Funds might be kept low by manœuvres of this kind, but they would cast a stigma on

the honour of Great Britain, which had been preserved unsullied during a war without parallel in the history of mankind. This portion of the statement of the noble Lord was highly objectionable on all accounts, and not least because a particular class was selected to suffer, and the suffering of one great interest was ultimately the injury of the rest. He would earnestly recommend the noble Lord to consult with those who understood this subject, and who had no interest in it. He was very sorry to oppose any measure of the present Government, but this measure he must and would oppose in every stage, because he looked upon it as injurious to the best interests of the country.

Mr. *Maberly* adverted to the opposition he had always afforded to the Sinking Fund, because he did not think it the best way of supporting the public credit. Public credit was either maintained or injured by the extent of taxation and the capability of the people to pay it: if they were unable to pay, public credit must suffer. Abstractedly, he had no objection to the redemption of debt; but, in the present condition of the country, it was much more important to repeal taxes, for there was no more effectual way to injure public credit than to persevere in imposts, the weight of which the people could not sustain. Most of the modifications proposed by the noble Lord who had looked at the subject fairly, and he would add, gallantly, ought to have been adopted long ago. It might be said on the other side, that the experiment was hazardous; and there might be some danger in it, but it was by no means so great as many would represent it. The noble Lord saw the necessity of the repeal of some taxes and of the modification of others, and incurred the risk, the peril, such as it was, for the sake of the great advantage that it promised. Nobody would dispute, that the duty on tobacco ought to be lowered; and the reduction of the duty would not only increase the revenue, but lessen the inducement for smuggling. The change with regard to Newspapers was highly laudable, inasmuch as it offered such increased means for the diffusion of knowledge. The total relinquishment of the duty on Coals would of itself be highly beneficial, and several other arrangements were, in his opinion, liable to no material objection. He could not, however, extend his approbation to the additional duty

upon raw cotton; that was wrong in principle. He objected also to a tax upon the transfer of anything; property ought to be allowed to pass as freely as possible from hand to hand, without obstruction; but as regarded the funds, such an impost was a violation of an Act of Parliament; a Property-tax, or an Income-tax, would be no such violation. However, it was quite clear that the noble Lord did not at all mean to commit himself, or to pledge the Government upon this point; he only threw out the plan for the consideration of the House, that it might be dealt with as circumstances seemed to require. If the object were to make up for a deficiency occasioned by the repeal of taxes, the noble Lord might have accomplished it by correcting the error of last Session—in reducing the duty on Spirits. The restoration of this duty, and the imposition of a small duty on coals at the pit's mouth, would have abundantly supplied the deficiency. He only threw out these suggestions, because he hoped they would be useful. He was satisfied that the noble Lord and his colleagues had proceeded with a sincere and laudable desire to make every effort for the relief of the country, and he was a little surprised that he had not turned his attention to the abolition of the office of Auditor of the Exchequer. That step might be taken hereafter, and he had little doubt that ere long such a proposition would be submitted to Parliament. With such reservations as he had stated, he highly approved of all that the noble Lord had said and done; and if the question were—which it certainly was not—whether all these changes should be made, or the present Ministers displaced, he should have no hesitation in supporting even the tax upon the transfer of funded and real property.

Mr. K. Douglas thought the proposition of the noble Lord for laying a tax on the transfer of property was founded in injustice—he would say, in dishonesty. He had no hesitation in saying that, whatever determination the Government should be driven to hereafter on the subject, the proposition would leave behind it a moral reflection which would fix itself permanently on the Government to which the noble Lord belonged. The noble Lord proposed to make a distinction between the different species of property which, in a great commercial country like this, must,

in his (Mr. K. D's) opinion, be destructive to its best interests. Either the noble Lord had not considered, or he did not think proper distinctly to state, the application of the principle on particular descriptions of property. He did not state how the proposition would apply to money lodged in the Savings Banks, or whether it was intended to affect transfers of Bank Stock, of property vested in canals, and other property of a like character. He was satisfied that, when the proposition of the noble Lord went forth, as doubtless it would to-morrow, it would spread consternation and dissatisfaction throughout the whole of the country. The principle on which the noble Lord proceeded with respect to the equalization of the duty on wines, went to do away with that distinction by which a bounty was given to the produce of our colonies over the productions of foreign countries. If he understood the noble Lord rightly, the noble Lord had taken a new view of the policy of this country as regarded its colonies. It was the first step to a radical change of policy, and the adoption of a principle which it would be very convenient to have well developed and fully digested before it was sanctioned by that House. The noble Lord had, as he conceived, in the strangest manner, omitted all mention of or reference to the distressed state of the West-India colonies. The effect of the depression of West-India property was not confined to the proprietors of that species of property, but involved a great portion of the manufacturing and commercial interests. He regretted the noble Lord had not noticed the subject, even by an allusion. In referring to the equalisation of duties, the noble Lord might have seen, had he inquired into the subject, that rum was subject to three different amounts of duties in different parts of the United Kingdom. So far from proposing an alteration in this system of inequality, however, the noble Lord had never once alluded to it. He could not sit down without expressing the strong impression which he felt, that the proposition of the noble Lord for laying a tax on the transfer of property was wrong in principle, and that there was a bad moral contained in the proposal. He had only to add, that if ever the proposition came to maturity, and became the subject of a vote in that House, it should have his decided opposition.

Mr. Alderman Thompson did not feel that he should do justice to his constituents in the City of London if he hesitated to express his decided dissent to the proposition of the noble Lord for taxing the transfer of property. He was sure that the proposition would be received by the country with alarm and dismay, for it was upon the faith of Parliament, and of the Government, that the public creditor submitted to receive four per cent instead of five, and three and a half per cent, instead of four, as interest, for the loan of his money. It was now proposed, however, to lay a tax of a half per cent upon the transfer of the public creditor's property—it was said, for the sake of relieving the labouring classes. [*Hear, hear, from the Ministerial benches.*] Though this was the object of the present proposition, he must be permitted to say, that it did not alter the principle of that proposition. The same principle might apply, if it should ever be proposed to lay on a tax of two and a half per cent, or of five per cent. He was sure that the adoption of such a principle would be the means of producing large transfers of the capital of this country to foreign countries, the Governments of which had never attempted, directly, or indirectly, to impose any tax upon the transfer of funded property. With respect to the reduction of the duties on coals, candles, and British calicoes, he heard the propositions of the noble Lord with great satisfaction; but if these reductions were to be accompanied by a tax on the transfer of funded property, he felt, and he was sure the public would feel, better satisfied that the taxes on those articles should continue. As to the equalisation of the duty on timber, he found it would operate disadvantageously on the shipping interest. The ships employed in the American timber trade were of a large size, and generally old ships, expressly calculated for that trade, and such as would not be employed in the Baltic trade. Those vessels would become useless, therefore, and of no other service than to be broken up for fire-wood. With respect to wines, he saw no reason why a reduction to the amount of 1s. 9d. should be made on the duty on French wine, and an addition of 8d. made on the wines of Portugal. Portugal made a distinction in favour of the woollens of this country. Our manufactures, he believed, were admitted into Portugal at one-third less duty than

the manufactures of other countries; but if the noble Lord's proposition were carried into effect, and this country made no difference between the wines of Portugal and those of France, it was quite clear that Portugal could no longer afford that advantage to the manufactures of this country which she now granted to them. Respecting the equalisation of the duty on Cape wines, he happened to know that large capitals had been laid out in endeavouring to improve the quality of Cape wines, to render them more suitable for our market; but it was impossible that the Cape wines should continue to be imported if they were subject to the same duty as the wines of Portugal and France. With respect to the duty on raw cotton, he did not think it would give satisfaction; or that the taking off the duty on stamped cottons would prove a sufficient compensation to the manufacturer. Generally speaking, a tax on the raw material of a manufacture was impolitic, and in this case the raw material was already taxed. In fact the *ad valorem* duty on East-India cotton was already too high. With respect to the surplus revenue, he thought it ought to amount to 3,000,000*l.*; instead of which, it would not exceed 400,000*l.*, even if the noble Lord's calculations on those various subjects should all turn out correct.

Sir John Wrottesley said, it was not his intention to enter into the details of the statement made by the noble Lord, on which he was necessarily unprepared. So many subjects of great importance had been touched on by the noble Lord, as well as by those who followed him, that he should abstain from adverting to any of the details. He rose chiefly for the purpose of replying to the observations which had been made as to the proposal for laying a tax of one-half per cent on the transfer of funded property, and to state the grounds on which he came to the conclusion, that there was no want of good faith in carrying such a proposition into effect. If he thought that such a proposition was a breach of good faith with the public creditor, he should not support it, however anxious he might be to lend his aid to the Government. It was not the first time, however, that the principle of laying a tax on funded property was contended for in that House. The principle was argued and adopted at the time the Income-tax was imposed, and

therefore the proposition had not that novel character which afforded grounds for those doubts which some hon. Gentlemen thought proper to throw out. The Act of Parliament imposing the Income-tax recognized the principle, that the fundholder was not to be exempted, and any other tax of the same character was no more a violation of that principle than the property-tax. That tax was imposed on funded property, in common with every other species of property; and if the proposition now was to lay a tax on funded property only, he should regard it with suspicion; but it was proposed to tax the landed interest of the country likewise—[*hear, hear, from the Opposition side*]. He was flattered to observe the attention with which the right hon. Gentleman (Mr. Goulburn) listened to what fell from him. The right hon. Gentleman had stated his sentiments in opposition to the proposed measures, and if his able speech had convinced him (Sir J. Wrottesley) he would not stand up to advocate the proposition of his noble friend. Although the right hon. Gentleman had delivered his sentiments, he would be glad to hear from him any distinction, in point of principle, between the property-tax and that now proposed. The hon. Alderman (Thompson) had adverted to the necessity of keeping up a Sinking Fund. His noble friend (Lord Althorp), no doubt, had good reason to suppose that the income would equal the expenses as he had stated, and leave even a tolerably large surplus to meet unexpected emergencies. After the discussions that had taken place in that House, however, he believed there were few persons who would deny that keeping up what was called a Sinking Fund was a most impolitic system. That accomplished statesman, Lord Grenville, had stated his opinions on the subject very fully; and those minds that were not convinced by his arguments, as to the impolicy of keeping up a Sinking Fund, must be composed of materials different from other men. The proposed plan, he contended, if looked at fairly, should be considered with reference to the state of the country. It was, in his opinion, a matter of real policy, if not of necessity, to take off some of the taxes which pressed on the poor. He was ready to go further now than he would have gone three months ago. He was one of those who thought the Government should never allow itself to be awed by force or

insurrection. By the vigorous administration of the laws, however, insurrection had been suppressed, and he believed he might now state, that the country had returned to a state of tranquillity. For his own part, he had never looked to the vigorous administration of the law, as a means of restoring tranquillity, without also feeling the necessity of looking into the distresses of the lower classes, and endeavouring to alleviate their condition. In his opinion, the measures of his noble friend were well calculated to effect that object. When it was proposed to repeal the duties on coals, candles, and on what some might consider a noxious weed, but which was, nevertheless, a great comfort and consolation to the working classes—he meant tobacco—it was impossible to contend, that the proposed reductions would not afford great relief to the labouring classes. The getting rid of those taxes which returned little to the Exchequer, but pressed severely on individuals, would also be felt as a great relief. In conclusion, he expressed his opinion, that his Majesty's Ministers had amply redeemed their pledge to the country. He did not feel it necessary to trespass further on the House on this occasion, as all the proposed measures would be brought forward hereafter in detail.

Sir Robert Peel and several other Members rose at the same moment. The call for the right hon. Baronet being general, he proceeded to observe, that he perfectly concurred with most of those Gentlemen who had addressed the House on this subject in thinking that it was infinitely better to refrain from entering into any details at present as to the taxes that were proposed to be taken off or reduced. Until a full and ample opportunity was given for mature deliberation on those important propositions, relative to the reduction of taxation, he thought it was impossible for the House to come to any satisfactory opinion. With respect to the commutation of taxes, it should be carefully borne in mind, that there was a great danger that the Legislature did not confer the benefit on those that it was intended to benefit. He knew from experience, and it was easily proved with respect to several articles, the duties of which had been reduced, that the benefit of the reduction was enjoyed by the dealers, and that the price of the commodities did not decrease in proportion to the remission of duty. When the duty was removed, it

was found that the benefit, somehow or other, went into the pocket, not of the consumer, but of the retail dealer, who laid on the amount remitted in duty, in some shape or other, on the price of the commodity. Now, if the public was subject to a new charge in lieu of that which was removed, and did not gain a corresponding advantage by the reduction of taxes, *pro tanto*, the benefit derived by the remission of taxes would be diminished. He was afraid, after the experience they had had of the results following from the repeal of the duty on leather, and various other articles, that the repeal of some of the proposed taxes would not be attended with that advantage to the consumer which ought reasonably to be expected, and which was intended. At all events, the doubts which must be felt on that point, after what had already occurred, imposed upon the Government the necessity of maturely considering the articles on which they intended to propose that the duty should be removed. With respect to the particular taxes which the noble Lord proposed to reduce, there were some which, if the revenue was in a state to admit of any reduction of taxation, the Committee should justly and properly be most anxious to take off. If it was clearly established that there was a surplus revenue, and that a remission of taxation could properly be made, he knew of no duty which he should be more forward to repeal than the tax on sea-borne coals. He knew of no one circumstance which would produce greater benefit, physical and moral, to the poorer classes, than whatever facilitated their obtaining a sufficient supply of coals at a moderate price. He was of opinion, that the relative difference, in regard to the amount of physical comforts, enjoyed by the poorer and wealthier classes in this country was more felt in the increased ability of the latter to purchase a sufficiency of fuel than in any other circumstance—much more than in the circumstances of lodging, board, or clothes. As to lodging, as regarded comfort only, the poorer and the richer classes were placed very much upon an equality. As to food, there was no material difference; and with respect to comfortable clothing, the price of the article used for that purpose was so very small, that there was no material difference in that respect between the upper and the lower classes. When he stated this, of course he did not mean to

refer to those who were sunk in abject poverty, but to the great mass of the labouring population. With regard to those, as compared with the higher classes, he thought the great difference was, the facility which the one class had over the other in obtaining fuel. From the nature of the duty, these facilities were much greater in some parts of the country than in others. To subject the poorer classes to such difficulties in obtaining so necessary an article as fuel, did seem contrary to all principles of justice and good policy. He contended, also, that the difficulty of procuring sufficient fuel affected the moral condition of the poorer classes. At all seasons it was necessary, more or less; and in winter, fuel the poor must have, in order to enable them to go on with the labour by which many of them gained their subsistence. If they had not the means of purchasing it, they naturally betook themselves to pilfering from the woods and demesnes of their richer neighbours; and this, besides confounding right and wrong in their minds, necessarily created a degree of ill-will between those whose property was stolen, and those who were of necessity, as it were, compelled to turn pilferers. A state of animosity, therefore, was engendered by the difficulty which the poor found in obtaining a supply of fuel. Assuming, therefore, that the finances of the country would permit a reduction of taxation to the amount of 800,000*l.*, he thought no tax could be selected with more propriety and more advantage than the reduction of the duty on sea-borne coals. Not to enter into the details of matters of comparative minor importance, he would just beg to observe, that he was afraid the proposed tax on passengers by steam-boats would have the practical effect of preventing the intercourse between this country and Ireland. He believed it would have the effect, in a great degree, of producing a suspension of the intercourse between the two countries. The noble Lord had not stated his views on that part of the subject, but it was well he should consider the poverty of many of the persons passed in every ship that came from Ireland to England. The proposed tax (as he understood it) was 2*s.* 6*d.* for any distance exceeding twenty miles. [Lord Althorp said, thirty.] And for a less distance than that, the tax was to be 1*s.* 6*d.* and 1*s.* The sum, therefore, which a person coming from Ireland would

have to pay, would be nearly double the amount of the passage-money, and would amount to a prohibition of the passage of the Irish labourers. Perhaps it was the intention of the noble Lord to modify the proposition so as to except the intercourse with Ireland from the operation of the tax; but unless he did, the practical effect would be nothing less than what he had stated. If the noble Lord had not considered this circumstance, it was well he should be made aware of it. The noble Lord had omitted to mention the amount of the estimates for the present year. He stated, in round numbers, that the sum required for the service of the year, including the interest and expenses of the Debt, would be 46,000,000*l.*; and he further added, that the estimates were drawn up; but he had given no information to the Committee as to the total amount of the estimates, independent of the Debt, and still less as to the amount of the respective estimates for the expenses of the different public departments. He had supposed that it was the noble Lord's intention to have stated the amount that would be required for each particular branch of the public service, and could only suppose that the omission had taken place from inadvertence. He now came to another part of the noble Lord's speech, and he said it not in party spirit, that all those matters to which he had alluded, and all the matters that had been discussed since the commencement of the Session, were trifling and of minor importance, when compared with the proposition which the noble Lord had made for the imposition of a tax on the transfer of funded property. He trusted, that the noble Lord would consider the objections urged by every one who had spoken on the subject, with the single exception of his honorable friend, the member for Staffordshire (Sir John Wrottesley), to that part of his proposition, and would not, therefore, persevere in his plan. The objections had come from all sides of the House, and were made without political predilection or party feeling. He trusted that his Majesty's Government would not persevere in a measure which, in his view, would tarnish the fair fame of this country, which had remained hitherto unimpeached. He asked the noble Lord, whether he had read the words of the contracts that had been made with the public creditor? He would refer to one,

for instance, to show the condition on which the public creditor had advanced his money to the Government, perhaps at a time of great public emergency. All the Acts for raising public loans were nearly in the same words; and he would ask the Committee, could any words be more distinct and binding, or admit of less doubt? He would refer, in corroboration of this opinion, to an Act intitled "an Act for raising the sum of 27,000,000*l.* by way of Annuity," which would shew the House the obligations imposed on it. This loan had been raised in 1813, and he referred to it as stating the terms of the contract in the language of all Acts of this description. This Act contained a guarantee to the public creditor against the very tax now about to be imposed upon him. The language of the Act was, that "no stamp-duty whatever shall be charged upon any transfer of this property." This was the condition upon which money had been borrowed. Now, how was it possible to "rail this seal from off the bond?" It was upon this express condition that the public creditor had advanced his money; and, if this condition were forgotten, they would violate good faith, and depart from that proud position which this country had always occupied, in contradistinction to every other country, in its dealings with its creditors. No ingenuity could get rid of the force of such an objection. His hon. friend, the member for Staffordshire said, that, as Parliament had imposed a property-tax—as it had violated the contract with the public before, there was no reason why it should not be violated again. That was the very thing which he (Sir Robert Peel) feared. He dreaded that an inference would be drawn from the proposed violation of law and good faith, that a further violation was not improper. If, in these times "of productive industry and of steady and progressive improvement," for so they were described by the noble Lord, and he took the admission—if, in such times, in a period of general peace, and when there was no pressure on the energies and industry of the country—if, under such circumstances, the Government contemplated the violation of an Act of Parliament, and an express contract entered into with the public creditor, by the imposition of a duty of one-half per cent, what security could the public creditor

have, if the times of 1797 or 1798 returned? In those times, unappalled by danger, the Parliament of this country clung to the maintenance of public faith as its best security; but if similar circumstances were again to arise—if the difficulties which then environed the country should again exist—if a small duty was to be imposed at a time like the present, contrary to the principle and the express condition of the contract, what could the public creditor expect, but that, under the pressure of foreign war, or of adverse circumstances, his property would be seized on? It would be little consolation to him to quote the proposed invasion of his rights as a reason for their violation again. In his (Sir R. Peel's) opinion, this was not so much a question of policy or of prudence; it was a question of morals. If the State was not prepared to meet its engagements, still there was justice due to the public; and let not individuals be called upon to sanction a course, as if it were just, which their feelings must tell them was contrary to every principle of justice and fair dealing. He had heard of a public writer who claimed a right to violate his engagements, and contended that he ought to be allowed to hold himself discharged of a debt he had contracted, upon the ground that some change had taken place in the policy of the country, which rendered him not so well able to meet the demands upon him. This was the doctrine of a public writer, and he (Sir R. Peel) had never heard that doctrine mentioned, in public or private, without its being received with a burst of indignation; but if the State was without difficulties (and he could conceive no difficulty which could justify such a departure from honour and good faith in a nation)—but if the State, in a period of steady and progressive improvement, was guilty of such violation of good faith, let them not upbraid an individual if he followed the example, and claimed for himself, under similar circumstances, that license which the House was now called upon to take, with respect to the contract between the State and the public creditor. If the question was not to be tried by the sense of justice which every man had in his own mind, and which must lead him to the conclusion that public faith ought to be maintained inviolate—if they were to try the question, not upon such principles, but merely as a

question of policy and prudence, he was content that it should rest upon such considerations. By adhering to public faith, he would ask, what had been the remission of public burthens which had taken place within the last six years? By adhering to public faith they had been enabled to reduce the interest on the five per cents, and subsequently on the four per cents; and by these operations, a sum amounting to about 2,600,000*l.* per annum was saved to the public. That was the legitimate, the honourable, the honest way of dealing with the public creditor. The public creditor had no right to expect the public to remain his debtor longer than it was necessary. The public were enabled to repay his loan, and this was done in effect. By maintaining the principle of keeping faith with the creditor, therefore, the public had been enabled to discharge its engagements, and to get rid of burthens to the amount of 2,600,000*l.* per annum. This was effective, because they had adhered steadily to their engagements as to the sheet-anchor. If, seven years ago, they had set the example they were now called upon to set, he put it to the Committee, what would now have been the state of public credit, and whether such reductions could ever have been made? But then, said the noble Lord, "this tax cannot be considered as particularly severe on the fundholder, for I impose, at the same time, the same amount of taxation on the transfer of landed property." And then, said the hon. Baronet, the member for Staffordshire, "there is no distinction between the proposed tax and the Property-tax, because the Property-tax was on landed property as well as funded. You would be justified, therefore, in contending there was a distinction, if this tax was to apply to funded and not to landed property; but as it is to extend to landed property, there is no distinction, and, therefore, no objection." He for one was sorry for the extension of the proposed tax to landed property. He believed, of the two, he should have preferred a distinct confiscation. As to the argument, however, that there was no distinction between the proposed imposition and the Property-tax, it was to be observed, in the first place, that the Property-tax was a tax on the whole income of the country—offices and professions were equally subject to the tax, as well as funded and landed property. But how

totally different was a tax on the income of land from a tax on the transfer of land. By the policy of our law, many estates could not be alienated. He could show estates without end in which transfers had never taken place. On all occasions; transfers of land were comparatively few; they did not amount to a hundredth part of the number of transfers of funded property. Landed and funded property were two things most distinct in their nature; and though he was sorry that land should have been included in the noble Lord's plan, yet it was quite clear the proposed imposition could not affect the landholder as it would the fundholder. The tax on land, however, would pass over the prosperous holders of lands. Lands were generally sold in this country, either upon the demise of the head of a family, and for the purpose of raising fortunes for young children, or, he feared, more frequently to meet the increased pressure of the times. Now, the tax would not press upon prosperous land, but on land under adverse circumstances; and for this reason, if there was no other, the tax would be objectionable. He would call upon the House to recollect what was the state of the country in 1813. Parliament had then decided to make one tremendous exertion, with a view to bringing the long and exhausting war in which it was engaged to a close. The annual revenue was incapable of bearing the expense; so that there remained no alternative but to call upon the monied interest to contribute towards the great national effort about to be made. He would say nothing of the danger to be apprehended from a protracted contest, but he would ask, upon the general ground of policy, whether it was not wise to adopt a course calculated to bring to an issue that most tremendous of all evils, a general war, by some great, overpowering, irresistible effort, and to make terms with the enemy according to the advantages derived from such an effort, without any injury to the public creditor, or shock to the public faith? He would enter no further at present into this important subject. He had heard some vague rumours that morning that it was the intention of his Majesty's Ministers to make such an attempt; but when he heard the noble Lord, in the early part of the evening, say—and say truly—that the poor could derive but little advantage from the repeal of direct taxation;

that it was chiefly by the employment of capital, and the removal of all impediments to that employment, that they could hope to be benefitted; when he heard this, he felt confident that the report could not have been well founded, and he did not expect to hear the noble Lord, at the conclusion of his speech come forward with a proposal which was a direct attack on the national credit, which was calculated to shake all faith in the professions of the Government, and give a blow to industry, by weakening and destroying the confidence of the capitalist. He objected to the measure, from a regard for the public credit, the public industry, the public morals, and the public property; and as a breach of those solemn engagements to which that House was itself a party.

Sir *J. Wrottesley* repeated, that the proposed tax did not infringe upon the faith of Parliament any more than the income-tax.

Sir *R. Peel* said, that the Act of 1813 recognised the imposition of the property-tax, but provided that no other tax should be imposed on the fundholder.

Lord *Althorp* observed, that the Act of Parliament was as strong against the imposition of any property-tax on the Funds, as against the imposition of a stamp-duty on the transfer. Mr. Pitt had felt this objection on moving the introduction of the income-tax; and he met the argument by stating, that he did not propose it as a tax on the funds in particular, but as a part of the general property of the country. If Mr. Pitt could use that argument with effect, he (Lord Althorp), felt that he had as much right to appeal to it on the present occasion. He had brought forward a tax upon the whole property of the country, and had a right to include this with the rest. The right hon. Baronet, who had spoken that night with his usual, nay, with more than his usual eloquence, had laid great stress on the injury to public credit, and allusions had been made to the reduction of the five per cents. But Gentlemen should recollect, that the Income-tax and the Bank Restriction Act, had both operated greatly towards the diminution of funded property, and that the measure now proposed did not interfere with such property more directly than those two Acts. But was it just that they should lay on that tax? for

if it was not just, he would allow that it would be unworthy to look about for palliations. He had introduced it under the conviction that it was just; for when funded property received the same protection from the State as all other descriptions of property, he maintained that it should contribute like other property to the maintenance of the State. There was not a single argument made use of, to prove the proposed tax a breach of faith, which did not bear quite as strongly against the imposition of the income-tax, which never had been described in such terms. He was aware of the advantage to commerce from the facility of raising money on the transfer of stock; but in such cases, the transfer was only nominal, and, therefore, would not be affected by the new measure, which had reference only to the real and *bona fide* transfer. The hon. member for Chichester (Mr. John Smith) said, that it would be impossible to distinguish between *bona fide* and fictitious sales; but he maintained, that the distinction could be made, and he would take care to relieve mere loan transactions from the pressure of the tax. He admitted at once that the relief of the lower orders was not so likely to be accomplished by the removal of taxation, and the cheapness of the articles of life, as by the encouragement of industry, and the consequent increase of employment. But the Government, so far from losing sight of that object in the present measure, looked forward to it as one of the consequences that must result from its adoption. He would admit also, that the West-India interest was suffering under great distress; but he feared that it could not be relieved by the reduction of taxes. If he were to reduce the duty on sugar, it would rather be in the hope of obtaining some concession relative to the treatment of the slaves, than in the belief that it could have any considerable influence on the prosperity of the West-India colonies. He had not given any details of expenditure, as the estimates had not been completed. He did not profess to have followed the right hon. Baronet through his able speech, but he hoped he had said enough to show, that the contract with the public creditor was as little affected by the proposition he had made, as by the other Acts to which Parliament had given its sanction.

Mr. *Freshfield*, having risen at the same

time with several other Members, and being interrupted in his attempts to address the Chairman by cries of "Order," said, that he was fortunately endowed with tolerably good ears; he had heard the Chairman say, that he was in order. However, he would not trespass long upon the House, as he should be unwilling to take from the effect of the masterly speech of the right hon. Baronet below him, who had completely proved, that it would be a gross breach of faith with the public creditor if the House should sanction the proposition of the noble Lord opposite. Yet he would beg leave to make one or two observations, by way of appendix to that excellent speech. The income-tax had been referred to, in the hope that something could be gathered from that tax to support the measure of the noble Lord. But no two things could be more opposite. Although he had been taken by surprise, he had hastily collected the Acts of Parliament on the subject of the income-tax. In the debates upon that tax, Mr. Pitt said, that the property-tax was a tax, not on the funds, but on the profits of capital. It was not a partial tax, affecting the funds alone, but laid upon every man's general property. It was clearly never intended to be a tax upon funds, for there was an express provision in the Act of Parliament, that the property of foreigners in our funds should be exempted from the tax. Having endeavoured with confidence, though with little ability, to show that the measure under the consideration of the Committee had no analogy to the income-tax, he would not trouble the House with more than that one observation.

Colonel *Sibthorp* expressed his disappointment that the Ministers had not fulfilled the promise with which they commenced the Session. He had expected that they would have come forward with a long list of reductions; but, after all, there were only some 260 reductions—who, or what they were, or to what amount, he knew not. But he had expected some considerable reductions in those taxes which pressed upon the country more than anything else—he meant the Assessed Taxes, against which petitions had been crowded upon the Table, year after year, without effect. The Ministers said, that their reduction would not save money, but patronage. But the people of England could not live upon the patron-

age of the Crown—they had need of more substantial food. An hon. Gentleman opposite had said, that the present was a time of peace. There might be peace in one way, but he was sure that there was yet but little cessation to the war upon the pockets of the people. At the same time, he admitted that the reductions which had taken place would give great satisfaction to the people. He should be glad that there were more duty on wine, and less on malt. The repeal of the malt-tax would be one of the greatest benefits that could be conferred upon the country—a far greater benefit than the remission of the beer duties of last Session, which had done inconceivable mischief to the morals of the lower orders. He did not think that he should do his duty to his constituents if he did not declare his dissatisfaction that the noble Lord had not brought forward the details of his project.

General *Gascoyne* said, that whatever might be said upon the wisdom or justice of the Ministers' measures, it was not to be denied that their intentions were good. He had one or two questions to ask of the noble Lord, his answers to which would, he was sure, be heard with great interest. One was respecting the penny which was to be imposed on raw cotton. Was that to be an additional impost? If so, it would make the whole duty on the raw material, as imported, no less than thirty per cent upon the original cost. His right hon. friend, the Vice-president of the Board of Trade, had said, that the best way to encourage manufactures was to make the raw material as cheap as possible. But if they laid a tax upon that raw article, which would raise the price considerably, they would destroy the manufacture. He also wished for an explanation respecting the duty of 10s. upon coals exported to foreign countries. Did the noble Lord include the Colonies within his description of foreign countries? was he also prepared to levy that tax on the coals which steam-vessels carried when they went abroad? And with respect to the duty on transfers, he was desirous to know whether it was intended that the duty should extend to all transfers of landed property? As every part of the whole of the funded property of the kingdom, to the amount of eight hundred millions, would, in the course of a few years, be liable to such a duty, would the duty fall upon property left to a man's children.

He was always unwilling to trespass upon the time of the House; but when he considered how many throughout the kingdom looked with anxiety to the proceedings of the House that day, he could not forbear expressing his hope that the noble Lord would examine well the consequences of those measures.

Lord *Althorp* replied, that the duty of a penny per pound on the raw cotton was an additional duty, but there was a duty taken off the manufactured article, which compensated for the addition: and the tax would now be spread over the whole trade, which before pressed heavily upon a part. As to the duty upon coals, although he had explained his intention to impose a tax of 10s. per chaldron, that was, in fact, a reduction of the existing tax, and not a new impost.

Mr. *C. Grant* said, it was not his intention to trespass on the indulgence of the House for more than a few minutes, nor did he think it necessary upon that occasion to enter minutely into the various topics connected with the plan of his noble friend, the Chancellor of the Exchequer. The details would come more properly under their consideration at a future time. But he could not touch the subject, however slightly, without giving credit to his noble friend, for attempting to carry into effect the great principle of lightening the burthen which pressed upon the springs of productive industry, and distributing it upon other quarters where it could be more advantageously borne. He would appeal to the House, whether, after the discussions of last year, a Minister must not have felt it an imperative duty to bring down a budget, the great object of which should be, to realise that important principle. He concurred most cordially in the proposed reductions, though he would not enter into the discussion of them now, feeling, as he did, that all other questions had merged in the superior importance of the preservation of the national faith. The present was not a mixed question of faith and expediency. And after the violent declamations he had heard—after the indiscriminate attacks with which his noble friend had been assailed—he should be ashamed, were he to turn his attention to any other part of the subject than that which involved the great principles they were unjustly charged with having violated. Every Gentleman who had yet spoken on the subject {

fessed to have been taken by surprise. One or two of them had even declared that they were incapable of giving utterance to their feelings, so sudden was the shock which their sensibilities received. But somehow or other, it so turned out, that either yesterday or this morning, they were most of them acquainted with the plan—so that the anticipation of unexpected tidings formed a singular feature in the Debate of that evening. The hon. Member under the gallery had adverted to the income-tax, and a great deal had been said upon that subject, but it seemed to him (Mr. C. Grant) as if no Gentleman could escape from the dilemma in which the income-tax placed them. No one could fairly grapple with that tax, and say, that there was a distinction between it and the proposed measure. The hon. Member (Mr. Freshfield) represented Mr. Pitt to have stated, that the income-tax was not a tax on the property of the fundholder, but upon his profits. Now he (Mr. Grant) had read the debates of the period referred to, and was unable to find anything of this kind attributed to Mr. Pitt. He wished to rescue the reputation of that statesman from the imputation of having said any thing so absurd. A sentiment of the kind, erroneously attributed to Mr. Pitt, might have been thrown out by some one else in the course of the debates upon the income-tax, but certainly not by Mr. Pitt himself; at least, not in the sense in which the expression was used by the hon. Member. He (Mr. Grant) could find nothing of the sort as coming from Mr. Pitt. The Act relating to annuities (which had been referred to) contained words as precise and strong as it was possible to conceive. Yet on the face of that Act did Mr. Pitt, who was the avowed champion of public credit, (a superstructure which he had done much to raise and sustain), give that construction to the passage that he contended justified him in his proposition of an income-tax affecting fundholders as well as others. This was the construction which Mr. Pitt ascribed to the words of the Act. Mr. Pitt said “that when a general assessment upon income is to take place, no distinction ought to be made as to the sources from which that income may arise. There can be no fair objection taken by the stockholder upon the occasion; there can be no question of a breach of good faith with the public creditor, by thus

imposing upon him what every other subject of the realm is to incur.” “The public creditor,” continued Mr. Pitt, “enjoys his security under the most sacred obligations of the State, and whenever an idea has been started in debate, of imposing upon the stockholders, separately and distinctly, any sort of tax, I have reprobated the attempt as utterly inconsistent with good faith. They were to be secured against any imposts distinctly levelled at them as annuitants of the public.”* Nevertheless, Mr. Pitt argued, that as members of the community, stockholders were liable to be taxed upon their incomes derived from the public funds, when a tax was to be levied upon the income of every description of persons in the realm; and when it was no longer in the power of the fundholders to say they could avoid this tax by removing their property from the funds to landed security, &c., every argument against including them in the assessment was withdrawn. In like manner, his noble friend (Lord Althorp) said, the stockholder should not be able to say, “I will escape the tax, by investing my funds in some other species of property,” because he would find other descriptions of property alike subject to taxation. That was in accordance with the view taken by Mr. Pitt of the income-tax—a view in which the Parliament of the day coincided. Such, then, was the construction and interpretation affixed by the Legislature to the claims of the stockholders, and Parliament had acted upon that construction. On no one occasion, as far as he recollected, had the income-tax been questioned as a breach of public faith, or a violation of our engagements to the public creditor. It was a case exactly parallel to the present. He could not see any difference between the two cases in point of principle, and was, therefore, surprised to hear his noble friend’s proposition censured as a breach of the national faith towards the public creditor. His right hon. friend opposite had expressed his opinion of the importance of strictly observing and maintaining the public faith, and adhering to our engagements with the national creditor; and in this he fully agreed with his right hon. friend, but denied that the present proposition went to compromise that important principle. His noble friend’s proposal

* Hansard’s Parl. Hist. vol xxxiv. p. 14.

rested upon the same authority as Mr. Pitt's income-tax, and was fully borne out and justified by that measure. When his right hon. friend opposite spoke of the prospective consequences and expected results of this measure, in deterring individuals from contributing loans to the State, he must say, he was decidedly of opinion, that in the event of the provision passing into a law, no hesitation would be felt by capitalists in becoming public creditors; the measure would not shake our credit, nor produce any unfavourable influence on transactions such as had been referred to; and he believed (notwithstanding what he had heard that evening), that the general opinion of the country would be friendly to the proposition brought forward by his noble friend.

Sir E. Sugden almost feared to express the surprise which he could not avoid feeling at the proposition of the noble Lord, with respect to transfers of funded property, lest he should subject himself to the animadversion of the right hon. member for Inverness. Whatever that hon. Member might say, he could assure him, that he had not heard the slightest whisper of the noble Lord's intention till he developed his plan, and that had certainly occasioned him to feel completely astonished, and though he might be subject to the right hon. Gentleman's animadversions, he could not allow the discussion to pass by without saying a few words upon a point so important as that to which he had referred. He did feel some surprise at observing that the noble Lord had ransacked the records of Parliament for the purpose of discovering the authority of Mr. Pitt (a singular authority for the noble Lord to rely upon) for an illegal act—for after all, that was the noble Lord's construction of Mr. Pitt's conduct with respect to the fundholders. He maintained, that such was the noble Lord's construction of Mr. Pitt's proposition, which, nevertheless, he referred to in justification of his own. He repeated, he thought Mr. Pitt was the last person whose example the noble Lord could have been expected to follow. Attempt to disguise it as he might, the noble Lord's proposition was neither more nor less than a partial, unjust, oppressive, and impolitic property-tax. If the noble Lord was prepared to follow the precedent established by Mr. Pitt, he must impose a tax on every transfer of every species of property, and then

say—"whatever be the provisions of Acts of Parliament with respect to the public creditor, we must break faith with him as a matter of necessity." But the noble Lord did more than this; he proposed a tax upon one species of property, leaving others wholly untouched. Admitting, for the sake of argument, that Mr. Pitt had broken faith with the stockholder, was that any reason why the Parliament should now follow his example? It was specially provided by Act of Parliament that no tax or duty should be imposed upon the dividends of stock: as to a tax upon transfers of stock, that never occurred to any one. When the question of a property-tax was raised, Mr. Pitt admitted the force and validity of the contract with the public creditor, and declared, that he would not break it; adding, however, that he only pledged himself not to tax the stockholders, *quod* their annuities and dividends, but expressing his opinion, that if an income-tax were imposed upon the whole property of the State, the fundholders must not be permitted to escape. Now, what he understood the noble Lord to say (at least, such appeared the drift of his argument) was, that as Mr. Pitt had broken the contract with the public creditor in the matter of the income-tax, he (Lord Althorp) might do the same by means of a duty on the transfer of funded property. But let the House see how much stronger was the present contract with the public creditor than that which existed in the time of Mr. Pitt. The dividends on the public funds were specially exonerated from the payment of any duty, and nothing was ever said about transfers, with a view to impose a tax upon them. After the property-tax had been imposed, it was provided, as a bonus to the stock-holders, that the first payment of dividends should be clear of the tax, and no stamp-duty whatever was to be levied on the transfer of stock. The Government of the day said to the stock-holders—"We now tell you, that you are to be subject to a property-tax, but you shall not be subject to any duty on the transfer, should you desire to withdraw your property from the public funds, and invest it in any other manner." Then came the Acts reducing the five per cents to four, and the four per cents to three-and-half, by which it was especially provided, that there should be no stamp-duty whatever charged upon the transfer. The Act to which he particularly referred, as

containing this provision, was so late as the fifth of George 4th. It effected a great public benefit, and was a boon to the country, perhaps at the expense of much private suffering and annoyance. The present proposition involved as gross a violation (as regarded particular Acts of Parliament) of public faith as had ever been permitted by any revolutionary government. He said to the noble Lord, if you put one 5s. on the transfer of 100*l.* of stock, you will commit as great a breach of faith as revolutionary France ever did. He called upon the noble Lord, if he imposed this transfer duty, to recite the Acts of Parliament protecting the fundholder, and introduce a clause in his bill repealing them by name. After that, let the noble Lord impose his transfer duty; but he believed that no Minister would dare to do this, and thus openly and deliberately violate the national faith pledged to the public creditor. Where was the House to stop? and what would be the consequences if this measure were carried into effect? Did any body pretend to doubt, that one result of this breach of faith would be to send millions out of the English funds into some foreign and more secure channel of investment? It was only by maintaining public credit that our stocks had been upheld: once violate it, and those who had selected the English funds as a secure refuge-place for their money, would desert them, and the country would be deprived of the benefit of their capital. Let us only mark (said the hon. and learned Gentleman), let us only mark to-morrow the effect of the noble Lord's Resolutions in the City, should they be carried. If it shall go abroad, that the noble Lord can pass his measure, there is no man with money in the funds but will to-morrow morning find himself considerably damnified. The hon. and learned Gentleman, in conclusion, stated, that he should, upon every occasion, oppose the measure in the most decided and pertinacious manner.

Mr. Warburton had received great pleasure from several of the noble Lord's propositions. As to the reductions on newspaper stamps and tobacco, he approved of them as fiscal regulations, and thought they would be advantageous to the community without occasioning loss to the revenue. Perhaps some hon. Members might regret that the export of coal was to be facilitated: and think that

we ought to economise an article which, if once exhausted could not be reproduced; and the prevalent opinion was that the duration of Newcastle coal, at the present rate of consumption, could not exceed 400 or 500 years. The hon. Gentleman expressed his gratification at the proposed removal of the duty on glass, and mentioned the surprise expressed by M. Simond, an intelligent foreigner, at observing an Excise officer in a glass factory at Dumbarton, M. Simond declaring his astonishment that such an interference with manufacturing ingenuity and industry could occur in a free country. He approved of the noble Lord's plan with respect to the timber duties; it would probably affect our shipping interests rather unfavourably, but the time for making a very proper alteration in the timber trade was well chosen, when whatever loss might be thus sustained by the shipping interest would be compensated in a great degree by an increase of the coasting trade, occasioned by the alteration in the coal duty. With respect to cotton, he regretted that such a large amount of duty would be taken from the Treasury in the way of drawbacks, and would have preferred a smaller duty, so imposed upon manufactured and other cottons as to obviate the objection. With respect to steam-boats he expressed his regret that the noble Lord should have imposed a tax upon an infant branch of industry and commerce. As to the great question of a transfer of duty on stock, his deliberate opinion was, that the noble Lord was quite as much justified in imposing it as was Mr. Pitt in levying a tax on funded property. But supposing that even a large minority of the public should look at the duty as involving a breach of faith with the national creditor, he might upon that ground lament that it had been brought forward. Under such circumstances the reconsideration of the subject would reflect no discredit on the noble Lord—on the contrary it would do honour to him. If upon reconsideration, the noble Lord should think the tax inexpedient, he would do well to withdraw the proposition. Transfers of funds must be incomparably greater and more frequent than those of land, and therefore a duty of half per cent upon such operations, bore no proportion as a per centage on the value of the property, to the same rate of duty when imposed on transfers of landed property. And, as had been well observed, the parties

who would bear the chief burthen of this tax were not those who possessed a superabundance, but a moderate amount of property, transfers of stock being made much oftener by them than by the more wealthy. He concurred with the late Mr. Ricardo in thinking, that if a property-tax were imposed, it ought to be laid equally on every description of property. Personal property was very unequally taxed at present. It was not his wish to oppose the Government, but he recommended the noble Lord to weigh the objections made against his scheme, which, he could assure him, deserved his best consideration.

Mr. *G. Robinson* observed, that the noble Lord professed a desire to tax different species of property equally, but at the same time contented himself with taxing funded and landed property, leaving other descriptions of property untouched. He saw no occasion for a further reduction of the duty on French wines, which had been considerably lowered a few years back; he also objected to the increase of duty on Portuguese wines, and deprecated the loss of the market, which would be the consequence in that country for British commodities. He should have been glad to have seen a reduction of the duty on soap. It was unfair towards our North American colonies to alter the duty on Timber at a time when we were about to let the United States into the West-Indian market in competition with Canada. The effect of the alteration would be, to inflict a serious blow upon our shipping interests, as well as upon our colonies, a large portion of the foreign timber being imported in the ships of other nations, while Canadian timber was imported in British vessels. He concurred in the observation, that the transfer duty on funded property appeared a severe blow at public credit, and apprehended that its effect would be, to drive millions of capital to other countries. The noble Lord's propositions had come upon him unexpectedly. He should watch their progress with jealousy, but without pledging himself to oppose the Government.

Colonel *Tyrell* had listened with very great satisfaction to many of the noble Lord's propositions; but representing, as he did, an agricultural county, he must regret that he had not heard something with regard to repealing the malt-duty. He could have wished that a reduction of

the tax on that article had been substituted for a reduction of the tobacco-duty. He regretted, at a time when Ministers were advocating the principles of free trade in other matters, that they appeared to keep wholly out of sight the principle of a free trade in money. In his opinion, the proposed duty on transfers of stock would prove to be a very great clog on the monied interest. It would be received in the City with great dismay, and would be viewed with much disappointment by the country at large.

Lord *Morpeth* said, that after the clear and explicit statement of his noble friend, which was highly creditable to himself, and the greater part of which would be extremely satisfactory to the community over whose financial concerns his noble friend presided, he had very few observations to make, and none of them of a hostile character. On the contrary, as the Representative of large and considerable bodies of industrious men, he rose to express to the House the satisfaction which he was convinced they, in common with himself, must feel, at the reductions and retrenchments proposed by his noble friend, and the certainty that they would give him their utmost support, if his noble friend followed up, and acted upon, the wise principle with which he had so well commenced. A war-cry was raised on the other side of the House, with reference to one part of his noble friend's plan, which was stigmatized as a spoliation of private property, and a violation of public faith. Now, he was not sufficiently acquainted with the Act of Parliament which bore upon this subject to argue it at length, but he hoped the observation he was going to make would not be found to be opposed to it. The declamation which he had heard on this particular point, eloquent as it was, would not, in his opinion, answer its purpose, unless a greater and more perceptible difference were shewn between taxing property itself, in or out of the pockets of individuals, and taxing its transfer as was proposed. Those who disapproved of this tax seemed to wish that an exception should be made in this solitary instance, all other property being taxed. With respect to that portion of reduction which appeared the best and the most satisfactory to the House—he meant the removal of the duty on sea-borne coals, those whom he represented did not feel so much immediate interest in

that measure as many other parts of the kingdom did. His constituents would, however, be well pleased with the abolition of that duty. The tax was partial in its operation, and severe in its nature, weighing most heavily on those who were least able to bear the burthen, and therefore, humanity and justice called loudly for its repeal. He also approved of the alteration in the duty on cotton. Some Gentlemen, while they admitted the propriety of removing the tax from printed cotton, deprecated the imposition of a duty on imported cotton. But the great difference between the two taxes was this, that the general tax on imported cotton affected all, whilst that on printed cotton chiefly affected the humbler classes. With respect to the reduction of the duty on newspaper-stamps, he heartily and entirely concurred in its propriety. It was a subject in which he took very great interest; and he should feel much pride, on Monday next, in presenting to the House the Petition of the Printers of London and Westminster for the repeal of these stamp duties. He should present it, not with the intention of asking Ministers to concede its prayer, but with a confident hope of successfully calling on the House to acquiesce in the proposition which had emanated from Ministers. With respect to the reductions which were intended to be made in different departments, he perfectly approved of them. In making them, as well as in their arrangements respecting the Civil List, Ministers appeared to have proceeded with a nice sense of justice, honour, and delicacy, towards those who were likely to be affected by the alteration. He did not know that what Ministers had done would secure to the Government all the popularity which might be achieved by other means; but he was certain that it would attract the support and approbation of the wise, and, by pursuing a proper line of conduct, the rest would be added.

Mr. *Evans* approved of much that had been proposed by the noble Lord, but he could not support the whole of his plan. He could not agree in the propriety of the duty on transfers of stock, because it appeared to him to be contrary to the national faith, and would, as a tax, be found extremely grievous. He would, for his own part, prefer to it a well regulated property-tax.

Mr. *D. W. Harvey* thought, that most of the hon. Members who opposed the

propositions of the noble Lord seemed to lose sight of the great advantage of his scheme. Where was the individual forming a part of the late Government who hoped for the repeal of two millions of taxes, after all the reductions that had recently taken place? The noble Lord however, proposed to repeal no less than three millions; imposing in lieu of them only 1,200,000*l.*; that was, 800,000*l.* upon the transfer of funded property, and 400,000*l.* on the transfer of land. If that proposition was to be successfully resisted upon principle, it could not but prove highly consolatory to the fundholders, as affording them conclusive evidence, that since that did not, no other fiscal regulations could affect their property. It had been said, that there was no distinction between the transfer-tax and an income-tax. If any disappointment should arise on the subject, it would consist in this—that instead of a tax on transfers of only 1,200,000*l.*, there had been expected a tax on property of several millions. He should certainly give the Government his support, for he thought it was factious for any man to oppose any proposition unless he was prepared to suggest a substitute. Many of the landowners had that night stood forward as the advocates of the fundholders. Now if, instead of a tax of 10*s.* upon the transfer of land, they had proposed 30*s.*, they would have relieved their friends the fundholders, and paid a high compliment to the landed interest.

Mr. *Holme Sumner* denied that the Government plan would afford a saving of 2,000,000*l.*, as had been stated. The taxes now to be imposed amounted to two millions seven or eight hundred thousand pounds. As to the repeal of the duty on coals, it was a measure that had his most cordial support.

Mr. *Benett* observed, that it seemed to be generally agreed, that it had at length become necessary to take the taxes off the productive industry of the country, in order that it might be imposed on the higher classes of society, who were better able to bear the burthen. Of such a course as this he most cordially approved; and even had the noble Lord carried it to the extent of proposing a general income-tax, it should have met with his support; but, though no property-tax was proposed, enough had been done to enable the Government to get rid of some most obnoxious taxes (and than those that had been

chosen there could not be more obnoxious taxes), and further than this they were not able to go. Perhaps the noble Lord had not proposed a property-tax because he did not believe that the time for it was yet come, but he (Mr. Bennett) felt fully satisfied, that, at all events, it was near at hand. With respect to the case of the fundholder, he did not see what right he had to complain; with the change of the currency, his property had been benefitted nearly thirty per cent, and he, therefore, had no right to cry out, now that a tax of one-half per cent was put upon his transfers. The time was come when the fundholder must bear his share of the burthen; they were now the rich men of the country, and they, therefore, ought not to be surprised should they be called on to bear a portion of the weight of the public expenditure. The people had been taxed beyond their means, the fundholders had escaped taxation, and they must now relieve the rest, or all would perish together. So far, therefore, from objecting to this tax of one-half per cent, he thought that they would act wisely by holding their tongues, or, perhaps, they ought rather to accept it as an actual boon, for it might be the means of protecting them some short time hence from a much more grievous imposition.

Mr. Hunt said, that there seemed to be three parties to this question—the law, the landed and the monied interest: now he did not come under either of these heads, for he was there as the Representative of the people. But though that was his more particular station, he felt it to be his duty to protect the interests of all parties. As to the measures proposed by the noble Lord, he felt obliged to him, on the part of the people, as far as any taxes were taken off. With respect to the remission of the tax on tobacco, however, he wished that some other more necessary article had been exempted in its place—such as soap. He looked upon the use of tobacco as the use of a disgusting weed, and those who used it, as they did it in the shape of a luxury, ought to be made to pay for it. With respect to the taking off the tax on newspapers and advertisements, he was sure that it would be responded to by all classes in the country; and as to the tax on coals, the great disgrace was, that it had been allowed to remain so long. He trusted, however, now that it was to be

removed, the effect would not be destroyed by the little monopolies which existed in the City; the jobbing that took place there was beyond conception; and if the manœuvres that were carried on between the coal-meters, coal-merchants, and other parties, were not done away with, little good would accrue to the community at large. It had been well said, that in removing taxes only in part, the public did not reap much benefit, it being chiefly monopolised by the dealers. The tax on salt was a strong instance of this; when only a portion of that tax had been removed, but little benefit had been derived by the community; but when the whole was taken off, and the paraphernalia of Excise and Collectors was got rid of, it was found to be one of the greatest boons the public had ever received. With respect to the calico prints, the whole country would be rejoiced at that; for the duty on that sort which was worn by the lower orders was eighty per cent, while on that consumed by the rich it was only two and a half. As to the proposed duty on cottons, he thought it wrong that a general duty of 1*d.* a pound should be imposed, because this immediately made the tax unequal, the rich getting their cottons at as cheap a rate as the poor; it would have been better, therefore, had the finer sorts of cottons paid more, and the coarser sorts less. At the same time, he was bound to say, that he believed the noble Lord had come forward with the best intentions towards the country; and he certainly could not have done better than in laying the whole of his propositions clearly before the public, as he had done. As he understood the case, the present Government had come into Office with three pledges—a great reduction in taxation, a Reform in that House, and non-intervention with the Government of any other country. On the strength of these pledges great expectation was entertained by the people, and they certainly did anticipate that a great deal would be done. All that he feared was, that the people would not be altogether satisfied with the amount of reduction which the noble Lord proposed. The only fault, however, that he had to find with the statement, as far as that was concerned, was, that in his proposal of the half per cent duty on the transfer of funded property, he had acted in the same open manner as on the other points; for, as they had been told by the hon. member

for London, they were no more able to relieve the distress of the country, and keep the national faith at the same time, than it was in the noble Lord's power to satisfy the wants of the people to-morrow. He had been accustomed to meet the public out of that House; and he would tell that hon. House what the public thought of the national faith. Instead of national faith, they looked upon it as national robbery and national delusion. He hoped the House would bear with him; there was arrayed in that House all the talent of the country; he was only telling them what was said out of doors, and he did not hesitate to tell them the same in doors. A good deal had been said about this proposed measure being a violation of the national faith; but he begged to ask the right hon. Baronet (Sir R. Peel), what sort of national faith it was to change the currency, so that the fundholder, who was receiving three per cent, and got one sack of wheat for the money, was enabled by the alteration to get two sacks for the same money? So, in the same way, they had been told that this was a violation of the law; but, if that argument was good, every time a law was repealed there was a violation of the law. In what he said, he endeavoured to make himself understood, and he hoped for the indulgence of the House, for as soon as he should find that he was not able to forward the cause of the people, or that his arguments were not listened to by the House, he should make his bow and take his leave of his constituents. He had been brought up in what was called the Burdett's school, and he had often heard the hon. Baronet give descriptions of that hon. House, at the meetings in Palace-yard. He trusted that he was not disorderly; but if he was, he should bow to the rules of the House; and he could assure it, that he should have great pleasure in telling his constituents that he had met with fair play there. He had heard the hon. member for Westminster talk of the House that kept late hours and bad company; but for himself he would never say out of the House what it would be disorderly to say in it. With respect to the passage from Mr. Pitt's speech, which had been quoted by the right hon. Gentleman (Mr. C. Grant), he thought that, notwithstanding the abilities of that right hon. Gentleman, he had mistaken the point of the quotation, for it appeared to him that the argument contained in

that extract was in favour of the opponents of the right hon. Gentleman. In this respect, it reminded him of an hon. and learned Gentleman with whom he had had the fortune of arguing a point in the Court of King's Bench. That learned Gentleman (he must not mention names), the member for some place—he did not know what—he had cited a case, and was about to hand it up to Mr. Justice Bayley, when he (Mr. Hunt) whipped across the Court, and begged to be allowed to read it, which, having done, he also handed it up to Mr. Justice Bayley, and said, "I rest my case on that too, my Lord;" and the opinion of that learned Judge was clearly enough expressed, by saying, "Mr. Hunt must have his rule." What was proposed by the noble Lord might make a slight panic in the City, but it would give great satisfaction to the country. For himself, he wished that the Government had been bold enough to take off the Malt-tax, the House and Window-tax, and the Soap-tax, and put on a Property-tax in their place at once. But perhaps the situation in which they had been left by the late Government, had prevented them doing more. However, as far as they would go in taking off taxes, they should have his hearty support. He did not, however, believe that the Government was strong enough for such a measure as that which he had proposed. Let them, however, once effect a Reform in that House; and then, with a Ministry which had the confidence of the people, those measures could be carried. With respect to the tax on wines, he was glad that they were going to be equalised. The tax on steam-boats, however, he objected to, because it would prevent the poor Irish pigs, or, at least, the poor Irish men, from coming over in the steam-boats; and, indeed, cut off all connection between Paddy and John Bull.

Colonel Wood thought, that it would have been better if the malt-tax (in whole or in part) had been taken off, instead of the duty on tobacco. If 6*d.* a bushel of that tax had been reduced, the revenue would, he believed, have gained rather than have lost. The duty on Candles also pressed very heavily on the poorer classes.

Mr. Beaumont expressed his cordial concurrence in the Resolutions of his noble friend; and denied that the tax on transfers would be a violation of national

faith. It would be a much greater and a worse violation of that faith, if nothing were done to relieve the sufferings of the people.

The three following Resolutions were then put *seriatim*—

That 2,000,000*l.* be granted to his Majesty, as Transfer of Aids;

25,577,600*l.* to pay off Exchequer-bills charged on Aids of 1830 and 1831; and

3,800*l.* to pay off Exchequer-bills issued for Public Works and building Churches, and carried *nem. dis.*; and the House resumed.

TITHES AND REFORM.] Lord *Ebrington* presented a Petition from Trowbridge, praying for Economy, Retrenchment, and Reform in Parliament; also, Petitions from Parkham, and two other parishes in Devonshire, complaining of the Tithe-laws, and praying for a Commutation of Tithes. The noble Lord said, he was most anxious to see the Church maintained in opulence; but he was bound to say, that unless some mode was adopted of setting the tithe question at rest, he was apprehensive of the most grievous consequences. The county which he had the honour to represent was experiencing a degree of ferment on the subject, calculated to excite serious alarm. He feared that, unless the question was soon put at rest, the peace of the empire at large would be grievously affected.

HOUSE OF LORDS,

Monday, Feb. 14.

MINUTES.] Viscount GODERICH presented a Bill to explain and amend the Law relating to holding Land in Canada.

Petitions presented. In favour of Parliamentary Reform, by the Earl of ROSEBURY, from Queensferry:—By Lord DACRE, from Royston:—By the Earl of RADNOR, from Halifax, Worcester, and the Cabinet-makers and Joiners of Manchester:—By the Earl of MANSFIELD, from Dunkeld:—By the Earl of DARNLEY, from Ballymena. By the Marquis CAMDEN, from Igham, Kent, for a Reduction of Taxation. By the Earl of CARLISLE, from Hull, against the Truck System. By Lord BERESFORD, from Berwick-upon-Tweed, to be exempted from the Act which forbids Scotch Bank-notes to be circulated in England. For the revision of the Tythe System, by the Earl of RADNOR, from Farmers frequenting Uxbridge, Windsor, and Maidenhead markets. For the Repeal of the Duty on Slates, by Lord KENYON, from the Land-owners of Merionethshire. For the Repeal of the Duty on Coals, by the Earl of WINCHILSEA, from Fowey:—By the Earl of CARNARVON, from Watchet. By the Earl of DARNLEY, from Navan, for assistance to enlarge the Catholic Chapel.

SALARIES OF MINISTERS.] A Message was brought up from the Commons, requesting the House of Lords to grant permission to the Lord Chancellor to attend

as a witness, and give evidence, before the Committee appointed to inquire respecting the Emoluments of the High Officers of the State.

The Lord Chancellor hoped their Lordships would accede to the request of the House of Commons, and stated, that as far as he was personally concerned, he should throw no impediment in its way. He considered that his being permitted to attend the Committee of the House of Commons, would greatly further those salutary expedients and necessary reforms in the office of the Lord Chancellor, which he would submit to their Lordships to-morrow week.

On the motion of the Earl of Shaftesbury, leave was given to the Lord Chancellor to attend the Committee to-morrow, and the Commons were so informed.

PARLIAMENTARY REFORM.] The Duke of Norfolk presented a Petition from the town of Sheffield, praying for Parliamentary Reform. The noble Duke said, the petition was entitled to attention from their Lordships, as it came from a very extensive and populous place. The town of Sheffield contained no less than 80,000 inhabitants, and was distinguished by the extent of its trade and manufactures, and by the many valuable local institutions which it possessed. It was a place which ought no longer to be left unrepresented, especially considering that many towns of much less importance enjoyed the elective franchise.—Petition laid on the Table.

TITHES.] Lord Suffield presented a Petition in favour of an alteration in the Tithe-laws. The petitioners complained of the injustice of taking tithes in kind, but professed that they were staunch supporters of the Church of England, and they wished that tithes should be commuted for a money-rent. The noble Lord thought, that the best mode of regulating tithe would be, by making it depend on the rental. He could but express his regret at the delusion and imposition, he might call it, which existed on the subject of tithes; for it was nothing less than an imposition, to tell the farmers that they would be benefitted to the full extension of the tithes if they were abolished. He had been surprised at some of the observations which, on former occasions had been made by some noble Lords against his noble friend near him (Lord King), whose aim was, as he professed,

only to improve the Church. But giving his noble friend credit for being influenced only by a desire to correct the abuses and promote the interests of the Church, still he would ask him whether, in the present excited times, when so much mischief might result from his motives being mistaken, he had better not, at present, abstain from such a course of proceeding. In that House his remarks could not be mistaken, but out of doors they might, and might produce dissatisfaction and discontent.

TAX ON THE TRANSFER OF FUNDED PROPERTY.] The Duke of *Buckingham* said, that he had observed by the Votes of the House of Commons, that a sum had been moved for in part of the Supplies of the year, and he learned from common rumour, that one of the means by which it was intended to raise the Supply was by imposing a duty on the transfer of stock and landed property. He hoped, however, that his Majesty's Ministers had ceased to contemplate that mode of raising money; but if not, he took the present opportunity of giving notice, that considering as he did that measure to be a breach of faith with the public creditor, and considering such a measure most mischievous to the country at all times, but more especially in its present situation, he should think it his duty to call their Lordships' attention to the bill when introduced into that House, in the hope of inducing their Lordships to express an opinion of condemnation on a measure which he was sorry to feel obliged to consider of a revolutionary character.

Earl *Grey* said, it was quite clear, and did not need to be announced by the noble Duke, that when a bill, whether having reference to the subject to which the noble Duke had alluded, or to any other, was brought before their Lordships for discussion, it was necessary for their Lordships' attention to be drawn to it. But before he made any reply to the noble Duke, which reply might, perhaps, prevent his promised interposition in the matter, he must declare, that he could not stand in that House, and hear it stated by the noble Duke, or any other person, that the measure to which he had alluded was of a revolutionary character, or deserved to be described as a breach of the public faith. If he had thought that that measure could be described as justly liable to either of those imputations, he never should have con-

curred in proposing it to Parliament. But it was because he thought that, strictly speaking, it could not be construed into a breach of faith,—because he considered it, far from possessing a revolutionary character, to be, in conjunction with other measures with which it was connected, the best calculated to promote the welfare of the country, give new activity to industry, and assist all those interests, on the prosperity of which depended peace and content, and that spirit of order and satisfaction the most contrary to any thing of a revolutionary nature,—it was because he contemplated in that view the measure to which the noble Duke had alluded, that he consented to its being proposed to Parliament. In looking at the situation of the country,—when he found how necessary it was to relieve the industrious classes of the community from some of those taxes which pressed most heavily on them, and when he found it was not possible for him, owing to the circumstances of the time, and of the country, to propose any considerable reduction in the great establishments of the country,—the public safety, on the contrary, requiring considerable additions to those establishments, he did seek after some means of removing from the industrious portion of the country that pressure which, in the present state of depression of the labouring classes, threatened to cripple the energies and resources of the country. Therefore, with the most anxious wish to take off taxes of that description, he sought the means of doing so by imposing others (for, without a commutation, no such relief could be given) which he thought would operate with comparatively little pressure on the public resources, and not have the effect of endangering the interests of the country. With that view, he confessed that he did concur in the proposal for levying a tax on the transfer of funded property, being convinced that it was just in policy; nor did it now appear to him either iniquitous or unjust. In looking to its operation, he found that it would affect a species of property which, amidst the general distress that had assailed every other interest—the commercial, agricultural, and manufacturing—not only had not suffered depression, but which, from those very circumstances, had increased infinitely in value. It did, then, appear a fair, just, and equitable proposition to him to make the persons possessing that property in some degree

contribute to the taxes which were necessary for the State, and relieve their fellow-subjects who were labouring under such severe pressure. He did not think that Government, in proposing the measure, had been guilty of any breach of faith, but had, as he thought, only consulted the well-understood interest of those persons themselves, which must depend on the general prosperity of the country. The Government, in proposing to relieve the industrious classes from the pressure which they suffered, believed at the same time that they were promoting the interest of the fundholders themselves; for they would be benefitted in a much greater proportion than they would suffer from the demand made upon them, by the reduction of taxation which Government had thought it necessary to propose. Yet this measure had been characterized by the noble Duke as a breach of faith. He (Earl Grey) did not mean to say that it was right to justify one breach of faith by a preceding breach of faith; but when a breach of faith was spoken of, could their Lordships omit to look back to a tax which had been imposed on this species of property equally against the positive words of the Act of Parliament—he alluded to the Property-tax,—and avoid perceiving, that when the necessities of the Government required it, the country had thought right to call upon the fundholders for a proportional contribution to the necessities of the State? One of the great inducements for Government to propose this measure was, because they heard the general cry for the imposition of a property-tax, to which, in time of peace, he had great objection. The Government, therefore, thought it desirable to lay a tax on the transfer of funded property, which could only in a slight degree affect the general interest of the country; and he was surprised to find it complained of by those very persons who would impose on the country a general property-tax, which, by operating on parts of the community in great distress, would be most impolitic, and by being imposed on funds, would tend to drive capital out of the country more than any other. It was to save the country from a tax of this nature that he, in common with his colleagues, particularly the noble Lord who explained the proposition of Government to the other House of Parliament, did intend, without any breach of faith, and contemplating great advantage to the pub-

lic interests, to impose a tax on the transfer of funded property. However, he was ready to admit that there might be some difficulty in the adoption of a measure which did not admit of being submitted to the judgment of persons not being members of the Government; for, from the nature of the tax proposed, it was impossible, without divulging it in such a manner as to produce inconvenient results, to consult many persons on the subject. But his noble friend (the Chancellor of the Exchequer), before he proposed the tax, took the opinion of a gentleman whom the noble Duke would, perhaps, admit to be the best authority respecting it,—he meant the Governor of the Bank, who thought the tax might be imposed and collected without difficulty. Yet, though the Government had that gentleman's opinion that the tax might be collected without difficulty, looking to the public feeling on the subject, his noble friend had already given notice in the other House of the intention of his Majesty's Government to withdraw the proposition. There would, therefore, be no such tax; and no such bill, as the noble Duke so eagerly expected would be introduced into their Lordships' House; nor would the noble Duke have an opportunity of calling the attention of their Lordships to it. It grieved him, however, to state, that in renouncing the measure which Government contemplated as a means of lightening the burthens of the country, and thus giving a spring to the energies of the people, the means of Government to effect that good were diminished by being deprived of this resource, and the Government was compelled to give up proposing the reduction of some other taxes, which, unless they could be supplied by impositions as unobjectionable as he conceived the proposed tax to be, could not be removed in the present state of the finances. He was sorry that Government felt it necessary to withdraw that tax, because he believed in his conscience, if the financial measures which his noble friend proposed had been suffered to go on without interruption, there was a prospect of such an increase and activity in the commerce and industry of the country as would have relieved the existing distress; and Government would have had the satisfaction of coming down to Parliament next year to propose the reduction of some other taxes, without being under the ne-

cessity of imposing new taxes in lieu of them. He was grieved that the power to do this was taken away; and he grieved for the disappointment which they must have sustained who had been led to entertain expectations of the reduction of some of those taxes which Government intended to remove. But though Government found itself deprived of the resources which it thought calculated to effect the object in view, yet it would endeavour to attain that object by all other means in its power, limited and crippled as, he was sorry to say, the Government would be in its means of reducing the taxation which pressed on the industry of the country. He, however, would not have the House indulge in any irrational hopes on the subject. "Amidst all the difficulties which surround us," said the noble Earl, in conclusion, "we have always exerted ourselves to the best of our power, and our endeavours have so far been attended with satisfactory results; and I do hope that we shall be still enabled to persevere in them, so long as the confidence of Parliament shall be extended to us, and our measures shall be satisfactory and useful. I have nothing further to say at present, except that if the noble Duke, on this or any other subject, is disposed to attack the conduct of his Majesty's Government, I shall be ready to meet him on any proposition he pleases to bring forward; but if the noble Duke looks forward to the proposition of the tax on transfers as giving him a good opportunity to attack the Government, I inform the noble Duke that it will not be afforded him, for the proposition is withdrawn."

The Marquis of *Londonderry* thought the noble Earl was incapable of imposing any thing like a revolutionary tax. The object of the Government was only to make the fundholder bear his just proportion of the public burthens. He had looked generally at the features of the Budget, and he thought that Government had displayed an anxious desire to relieve the poorer classes, and to transfer the burthens on those who were best able to bear them. The tax on transfers was far from being a revolutionary tax; it was imposed to supply the means of maintaining the country in its present condition.

The Duke of *Buckingham* congratulated their Lordships on the withdrawal of that part of the ministerial plan of finance, which he considered so very ob-

jectionable in many points. The noble Earl had quoted the opinion of the Governor of the Bank of England, but he (the Duke of Buckingham) had it from the highest authority, that the opinion of that gentleman was only his individual opinion, and was not meant to convey the opinion of the body to which he belonged.

Earl *Grey* said, he had not described it in any manner as the opinion of the whole body. He had only mentioned that it was the opinion of the Governor that the tax could be collected without difficulty.

The Earl of *Winchelsea* said, that so far was he from agreeing in the opinion that no tax should be laid on the fundholders, that he regretted extremely that any difficulty should have presented itself to the collection of that proposed by his Majesty's Ministers. He was one of those who held that the fundholder was not taxed in proportion to the burthens which fell upon other portions of the community; and so far was he from thinking that the imposition of a tax on funded property would involve a breach of faith with the public creditor, that he thought that it was virtually, under the present circumstances of the country, a breach of faith with the public debtor—that was, with the great mass of the community—that the fundholder should remain untaxed. He would ask their Lordships on what principle of justice it was, that the landowner should have to bear the pressure of so many burthens, while the person who had 50,000*l.* or even 100,000*l.* a-year in the funds was exempted from any such contributions? In what way did the fundholder contribute to the maintenance of the poor? In what way did he contribute to the repairs of public roads, and other matters involving heavy disbursements, which were paid by the holders of landed property? He repeated, that, under these circumstances, the breach of faith was with the public debtor, who was in the present state of the currency called upon to pay 20*s.* for every 13*s.* which were borrowed in his name. He, then, for one, would never assent to the doctrine, that the taxing of the fundholder would be a violation of faith with the public creditor. He contended, that the fundholder, like every other member of the community, should bear his share of those burthens which the necessities of the State might require. He owned that he heard with regret from the noble Earl (Grey) that he was averse to

the introduction of a property-tax, which in his (the Earl of Winchilsea's) opinion, was the most just and equitable that could be devised. He thought, that if, in addition to the taxes proposed to be taken off, other taxes that pressed on the land were also remitted, and a reasonable property-tax imposed instead, the public would be greatly benefitted by the change. At the same time he admitted that the taxes now to be taken off would be found to afford a great relief to the country. All he regretted was, that the principle of reduction in that way had not gone further, and a tax which would fall equally on those able to bear it had not been substituted for the taxes that now ruined the productive power of the country. He would not trespass further on the attention of their Lordships, but after what had fallen from the noble Duke, he could not remain silent on the subject.

Lord *Farnham* said, that there was a great difference between a tax on the transfer of funded property, and the produce of that property, because it was well known that many persons had often occasion to transfer that kind of property from one to the other; but a tax on the produce of funded property was a different thing. So far was he from objecting to a tax on property, which should fall equally on funded and landed property, that he thought such a tax would be greatly preferable to the existing mode of taxation. He would take away all indirect taxation, including the land-tax, and substitute a property-tax; and, though he did not know how it might be received, he would charge the maintenance of the poor on the fund arising out of that tax; for he was firmly of opinion, that their Lordships never would give a proper stimulus to improve landed property until they relieved it from the great burthens to which it was almost exclusively subject. Their Lordships knew not how soon they might have to draw upon all their resources in a struggle for the safety of the State. All Europe was now in arms. England was, very prudently, at present lying upon her oars, but there was no saying how soon she might be called upon to make a great effort for her own safety; and in order to bring the resources she really possessed to bear, there ought to be a different system of finance from that which had been adopted for a long time back.

Lord *Ellenborough* said, he did not

feel it necessary to enter upon the question concerning the principle of a property-tax in the presence of the noble and learned Lord on the Woolsack, whom he had heard over and over again, in another place, exert his powerful eloquence against the principle of a property-tax in time of peace; and of course the noble and learned Lord still continued of the same opinion on that important question. He rose, however, not for that purpose, but to put a question to the noble Marquis (*Lansdown*) opposite, on a subject also of considerable importance. The noble Marquis was Chairman of their Lordships' Committee on Trade, of which he (Lord *Ellenborough*) was also a member; and he wished to know from him, what were the intentions of Government as to the duty on timber. He hoped the noble Marquis would have no objection to give their Lordships some information on a subject of such importance to the country.

The Marquis of *Lansdowne* said, as no resolutions on the subject had yet been introduced into the other House, he trusted their Lordships would see the propriety of his not entering upon the subject at present. When those resolutions had been submitted, he would be ready on the proper occasion to enter fully into the subject before their Lordships.

Lord *Ellenborough* was aware that no resolution had yet been submitted to the other House on this subject, and he thought it was an oversight that it had not; but the very mention of a subject of such importance made the public interested therein naturally very anxious to know the intentions of Government respecting it; and on that ground it was, that he asked the noble Marquis to state what those intentions were.

The Marquis of *Lansdown* said, that he had no wish, and it would not become him, to usurp the functions of the Chancellor of the Exchequer in that House. At the proper time he should be ready to give the noble Lord and the House full information as to the intentions of Government on the subject.

The Lord Chancellor said, he should not have felt it necessary to trespass on the attention of their Lordships, in prolonging a conversation on this subject, but for the good-natured, though rather sarcastic, allusion, made by his noble friend (Lord *Ellenborough*) as to the opinions which he had held on the subject of

a property-tax. Certainly, he had no wish at that moment to renew a debate in which he admitted he had taken a very prominent part. Such a renewal, at the present moment, could not prove very agreeable to their Lordships, since, as most of them were aware, it was one which had lasted eight weeks with little interruption, beginning at half-past four each day, and lasting till midnight, and often till half-past three in the morning. In that debate he had, it was true, taken a very prominent, and, as it proved, a very successful part. He had objected, and he still should continue to object—unless such particular circumstances, which he did not see at all probable, should show a necessity to the contrary—to the principle of a property-tax in a time of peace. The tax had arisen in that which was the parent of all bad taxes—hateful war; and unless a similar cause should arise—or, as he had said, unless such circumstances should occur as would justify him in changing his opinion, he should still continue to hold the same opinion as he had at the period to which his noble friend had alluded. But he it remembered at the same time, with reference to his opinions at that period, that they referred chiefly to that most hateful of all systems of taxation, a tax on income, a tax which was opposed to all good and sound principles of finance. His great objections at that time were to an income-tax, which that tax was; but he would admit that even a property-tax, distinct from one on income, he should have also opposed at that time, under the then circumstances of the country. If circumstances did call for a property-tax at present, the objections he had made to an income-tax would not apply to it; but he must concur with his noble friend (Earl Grey) that such circumstances were not now in existence. He should have thought this a sufficient notice of what had fallen from his noble friend (Lord Ellenborough) near him, but for what fell from the noble Lord (Farnham) on the cross-bench, who always put forth his opinions on any question with great candour and good sense. As to the question, then, whether a tax on funded property would be a breach of faith with the public creditor, he did not mean to oppose the position that it would not. Indeed, the tax proposed by his noble friend in another place would have affected the holders of but a comparatively small por-

tion of funded property. 600,000,000*l.* out of the 800,000,000*l.* was so vested, that there would be little probability of its transfer. Indeed, the manner in which the announcement of the plan was received in the City, where it had not produced a reduction of one-twentieth per cent, showed that it was not looked upon, in the most sensitive quarter, as any violation of faith with the public creditor. He could not see how the noble Duke could maintain that it was a violation of faith, unless he were also prepared to contend, that his kinsman, Mr. Pitt, had been guilty of such a violation in the imposition of a tax on funded as well as landed property, after the passing of an Act the most stringent that legislative ingenuity could devise, for the protection of funded property; yet after this Act, Mr. Pitt and his friends appeared to have no idea that they were committing any violation of faith with the public creditor, in the imposition of the tax on public funds as well as on other property. He admitted that funded property was liable, and that landed property was now pressed down with many burthens from which other property was free. He felt this statement necessary, lest by his silence it should for an instant be supposed that he was a party to any measure which was a violation of faith with the public creditor. The plan of his noble friend involved no such violation. He was not now called upon to pronounce any opinion as to whether funded property should be taxed equally with land, as there was no intention of putting a tax on either; but he would beg their Lordships to bear in mind, that when income from funded property was taxed ten per cent, in common with income from land, and even with income arising from trade, the circumstances of the country, with respect to the fundholder, were different from the present circumstances. At that time the fundholder had no opportunity of transferring his property elsewhere. France was closed upon him as a secure place of investment. At present, the security of the French funds was such as to afford confidence to every reasonable man in the stability of its government; and at present, the English fundholder could find no difficulty in the transfer. He said this in the presence of a large portion of the landed interest—of men with much landed, and little funded property; and he would beg of their

Lordships to consider the different circumstances of the fundholder now, from what they were at the time of the property or income-tax. At present, the communication between London and Paris was as open, and nearer, than the communication between London and the north. The three per cents at Paris were at sixty. In London, it would require eighty to produce the same interest. Here, then, of itself, was a temptation to invest in the French funds. The trading stock-holder was a man of no country—he was here to-day, and gone to-morrow, whithersoever his capital could be most advantageously invested. If, then, in addition to the eighty, you take from him seven, or eight, or ten per cent, see what an additional inducement would be given to him to transfer his property. He did not urge this as an all-sufficient reason against the imposition of a tax on the fundholder, equally with the landed proprietor; but he thought it was a reason why they should pause before they consented to the imposition of any such tax. He regretted, nevertheless, that the proposed plan was given up, because it would involve the continuance of two taxes from which it was intended to relieve the public. Before he concluded his remarks on this subject, he must add, that he took his full share of any blame which might attach to the failure of the plan proposed by his noble friend in the difficulty of enforcing it. If he were asked why he had not seen farther into this millstone than others, he would say, that he was tied up by motives of delicacy from putting a few questions to some practical Conveyancer, which, if he had done, might have afforded the information, that the plan, if persevered in, might have led to making stock the object of deeds of trust, leading possibly to litigation, which would have found full employment for—not one, but two or three Chancellors. He repeated his regret that the change of the plan would perhaps render it necessary to continue taxes during, at least, the present Session, which it was hoped Government would be enabled to reduce. These would, for the present, be left to that which was the best source of a remission of taxes—the growing prosperity of the country. As to those taxes which it was still in the power of Government to remit, he thought those on coals and candles, and newspaper-stamps and advertisements—he

thought these, and all other parts of his noble friend's plan, as judicious and as well considered as any plan of finance which he had ever heard laid before Parliament, and he was sure that their Lordships, as well as other portions of the community, would each, and all, derive great advantage from the development of those plans.

Lord *Wynford* wished to know from the noble Earl (Grey), whether that part of the plan which related to the tax on transfers of landed property was to be given up as well as that on the transfer of funded property.

Earl *Grey*.—The whole of that part of the plan would be given up.

COMMERCIAL RELATIONS WITH PORTUGAL.] Viscount *Strangford* gave notice, that on Friday he would move a Resolution relating to the extraordinary anomaly of our commercial relations with Portugal. He should have been glad to have deferred it to a more distant day, and wait for some information to be afforded by Government; but circumstances which occurred in another place had rendered it urgent and important that the information for which he sought should not be delayed. He would only observe now, that the Resolution which he should move would have no reference to politics, or to the *vexata questio* of the Regency, or right to the throne of Portugal. It would refer solely to our commercial relations with that country.

Earl *Grey* asked the noble Viscount to state the particular object of his Motion.

Viscount *Strangford* said, he should move for a paper, the production of which would set at rest for ever the question of our commercial relations with Portugal. His object would be to shew, whether our commercial relations with that country, arising out of treaties, were considered to be still in existence, or suspended; and, if suspended, whether that suspension was according to any articles in any of those treaties.

RESIDENCE OF THE CLERGY.] Lord *King* rose to move their Lordships for a Return of the number of Resident and Non-resident Clergy in the several Benefices of England and Wales, distinguishing each; and also distinguishing those non-resident who held their Livings by Church, from those who held by Lay, patronage. This was similar to motions which had been

made and agreed to heretofore. On examining the books in the library, he found the last return of the kind was in 1813. He should therefore move to have the returns dated from the last returns on the subject. The great evil of non-residence arose from pluralities; and the defence was, that some of the livings were so poor as not to be sufficient, singly, for the support of a clergyman. Now this argument was good if it applied only to small livings, but it was no defence for the rich pluralists, who held two or three livings, any one of which would be sufficient for the support of the incumbent. If the evil lay in the poor livings, then the remedy was easy. It would be sufficient to prevent all persons from holding more livings than one, except they were very poor livings. A right rev. Prelate had told their Lordships, not long ago, that if the whole of the ecclesiastical revenues were divided amongst the clergy, the average amount would be only 365*l.* 18*s.* 4*d.* each. Now he (Lord King), on reference to a Work which he had consulted on the subject, found 600 clergymen who possessed more than one living of 645*l.* each on an average. The proper limit would be, that no living should be allowed to be held with another where the amount of salary exceeded the average of what was paid to the whole clergy. What, he would ask, was the object of holding these pluralities? Was it to equalize the wealth of the Church, as it respected the clergy? He would maintain that it was no such thing. That was not the case; and he would contend, that the lay patrons were not the cause of bestowing different benefices on the same person. He could cite many instances where the Church granted those ecclesiastical preferments to individuals already amply provided for. The last that attracted his attention was mentioned in a provincial paper of the 12th of February, from which he found, that the rich living of Wisbeach, which averaged 5,000*l.* a year, had been bestowed on the rev. Mr. Bertie, son-in-law to the Bishop of Ely, who was already provided for. He believed that the difficulties were very considerable in correcting the system of pluralities; but he would ask, what attempt had the right rev. Bench made to remedy this acknowledged evil? He believed that in many instances they had caused the duty to be better performed than it used to be; but still he objected

to the principle. He found in many places, where the Church were the patrons, that the remuneration to the clergy employed was worse than elsewhere. He knew, on some church property held by the See of York, that there were several instances where the clergy received not more than 30*l.* a-year. In one case he knew of a valuable College living, worth 2,000*l.* a-year, whilst the Curate only received 30*l.* and a subscription was made by the parish to raise it to 70*l.* per annum. These were instances which clearly showed, that the property remaining in the Church was as much the prey of pluralists as that which was in the hands of laymen. They clearly shewed also, that a great property evidently remained in the Church, and did not come within the principle of abstraction, as had been stated on a former night by the right rev. Prelate. In those cases, he repeated, where the livings belonged to ecclesiastical bodies, the officiating clergy were worse remunerated than they were under other circumstances. The doctrine held by the right rev. Prelate, that every thing not held by the Church was abstracted from it, was a most extensive and comprehensive one. Bishop Horsley, though a High Churchman, held language on this point very different from that which they had heard the other night. His doctrine was perfectly moderate compared with that laid down on the occasion to which he referred, by the right rev. Prelate. The noble Lord concluded by moving for "An Abstract of the number of Resident and Non-resident Incumbents in England and Wales, distinguishing the places; and also distinguishing those Incumbents who held their Benefices from Corporate Bodies or from the Church, and those who held them from Lay Impropriators."

The Bishop of London did not mean to oppose the Motion of the noble Baron. He rose merely for the purpose of saying a few words in reference to the gross misrepresentations which had been made on this subject in some of the public prints, and more particularly in a certain book which had been lately published. When he spoke of lay-impropriations as being a great cause of non-residence, he did not mean to make the remotest allusion to the present lay-impropriators. He spoke only of the original lay-impropriations—the effect of which had been, to make the income of many livings so small that it

formed a great obstacle to residence. He hoped, therefore, that this would be held to be a complete explanation once for all, and that he should have no occasion to trouble their Lordships further on the subject. There was another point on which he wished to say a few words. It had been said, that the average income of livings was from 350*l.* to 360*l.* or 365*l.* a year. He had investigated the subject minutely since he had adverted to it on a former occasion; and the noble Baron himself would probably be surprised at the result; for, after all that had been said about the enormous property of the Church, he had found that, taking every thing into account, the value of the livings, on an average, did not amount to more than 185*l.* a year. He founded his calculation on the Parliamentary Returns of 1811, a period of great agricultural prosperity, at which time the amount of tithes very considerably exceeded the amount collected at the present day. If they took into the account the produce of glebe lands, the augmentation derived from Queen Anne's bounty, and the property belonging to the Deans and Chapters of different Cathedrals, the incomes of Bishops and ecclesiastical Corporations, and divided the sum total among the whole of the clergy, it would not give more than an average of 200*l.* a year. The average salary of the ministers of the Scotch Church was 275*l.* a-year, and the sum paid to the French clergy was not much below what our own received. He felt it necessary to say thus much after the gross and scandalous misrepresentations which had been published and sent abroad, and from which the noble Lord seemed to have collected his materials for making attacks on the Church. Those publications contained a tissue of such gross misrepresentations, both as to facts and persons, that one would scarcely suppose it possible that they could be sent forth at this period. Among other things it was said, that the minor canons enjoyed 300*l.* a year, it would be found, however, that few of them had 100*l.* a year, and the most common salary was from 30*l.* to 40*l.* per annum. The average was not more than 50*l.* a-year. With respect to the Archdeacons, who were represented as receiving 600*l.* a-year, it ought to be recollected, that the Bishop, on his visitations, always made use of the archdeacon's house, who was thus sub-

jected to a considerable additional expense; and, generally speaking, the income of the Archdeacons was not sufficient unless they also held some living in addition to their archdeaconries.

The Earl of Rosslyn suggested, that the Motion ought to be for an Address to his Majesty, to order the Returns to be laid on their Lordships' Table. And, after all, he did not know how the returns from the Privy Council could be made, with the distinction required between livings in lay and livings in ecclesiastical patronage. The returns to the Privy Council contained no such distinctions.

Lord King said, it would be easy to send the order to the Secretaries of the Bishops, and to the Deans and Chapters, who could, without difficulty, make out the account of such livings as were in lay, and such as were in ecclesiastical patronage. As to what the right rev. Prelate had said of his statement, he had not taken his information from the "*Black book*" to which the right rev. Prelate apparently alluded, but from a book called "*The Revenues of the Church no Burden on the Public*"—a book which was favourable to the Church Establishment rather than otherwise. He should feel great pain if the average income of livings were so low as 185*l.* each, as the right rev. Prelate had stated; and he hoped that the right rev. Prelate had fallen into some mistake in his calculation.

Earl Grey did not see how the returns called for by his noble friend could be procured in the manner which he had proposed. He should have no objection to such returns being laid on their Lordships' Table; but he requested his noble friend to consider whether it would not be better to withdraw his Motion for the present, in order to see whether it might not be afterwards brought forward in a shape more calculated to attain the object. His own belief was, that great inconvenience resulted from this mode of incidentally discussing particular parts of the subject, on occasion of presenting petitions. He did not mean to question his noble friend's sincerity; but he did say, that the course which he had adopted was any thing but favourable to the attainment of the object which his noble friend himself had in view. He was fully persuaded that there existed among the heads of the Church, a most sincere desire to remedy the abuses in the establish-

ment. The subject as his noble friend knew, was under the consideration of the heads of the Church and he had had some communication concerning it with the very reverend Prelate (the Archbishop of Canterbury) who was most anxious to remedy abuses, and whose views were very moderate and liberal. He himself, he confessed, should have preferred a general commutation of tithes, if that could be accomplished; but he was aware of the serious difficulties which at present stood in the way of that commutation. In the mean time, a measure something short of this which was now under consideration—a measure for a composition for tithes—would be attended with a great deal of good, and might prepare the way for a commutation afterwards. He had seen the noble Prelate's bill for a composition of tithes, and he approved of its principle; and he believed that it would do a great deal of immediate good, and that it would at last lead to a commutation, which would be attended with no less advantage to the Church than to the public. He could speak to the feelings of sincere desire by which the very rev. Prelate was actuated, to remedy the abuses of pluralities as far as possible, and the noble Prelate's views on that point appeared to him to be as just as they were liberal. Besides the subject of tithes and pluralities, there was a third point to which the very rev. Prelate had directed his attention, and that was, the holding of livings *in commendam* by some of the Bishops. The holding of livings *in commendam* by Bishops was, in his opinion, to be lamented; but it had been absolutely necessary, from the smallness of the incomes of some of the heads of the Church, who, without some such expedient, could not maintain the dignity of their situations. On that point, too, some measure was in contemplation, and it was intended to annex the revenues of some ecclesiastical preferments, not connected with the cure of souls, permanently to the emoluments of some of the heads of the Church, so as to render the holding of livings *in commendam* by the Bishops unnecessary. He was glad that the very rev. Prelate had directed his attention to this point, and he should be most anxious to give him every assistance in his power in the prosecution of this valuable object. He thought himself called upon to say thus much in justice to the heads of the Church, and he was convinced that at no

time the Bishops, generally speaking, had been more distinguished for a strict and conscientious discharge of their duties, and had been less swayed by a regard for their personal interests than at the present moment. If it should be found that this was a species of praise which did not apply to some individuals, their case ought to be considered, not as the rule, but as the exception. He would recommend to his noble friend, in the mean time, to abstain from raising discussions from night to night incidentally, on detached parts of the subject, when it was utterly impossible that the whole subject in connection could be sufficiently canvassed.

Lord *Farnham* was extremely glad to hear that a measure was to be brought forward by the very rev. Prelate, on the subject of tithes, though it did not go the length of a commutation, but was a bill for a composition, which, however, it was expected, would ultimately lead to a commutation. He was aware that many obstacles were opposed to the settlement of that important question. He would throw out a suggestion, however, which he thought well worth attending to. Let the lay impropiators of tithes immediately consent to a commutation. It would then be seen how the system would work, and if it worked well, it might be applied in the case of tithes held by the Church; and thus the community might get rid of tithes altogether.

Lord *King* observed, that his having brought the subject of tithes under their Lordships' consideration had caused him to be assailed from almost all sides, and now his noble friend at the head of the Administration had opened his battery upon him. He had been attacked by the noble Duke (Buckingham) opposite, with his High Church and Tory principles, and the noble Duke had fired his monstrous bomb at his head without mercy. Then a noble Earl (Winchelsea) on the cross-bench, had charged his eighteen-pounder up to the very muzzle, and fired it at him; but it exploded like a pop-gun. Another noble Lord had assailed him on the ground of his religion, and there was such a noise among all his assailants, that he should have been frightened, if he had not known his cause to be so good, that with its aid he was able to fight them all. However, he was now disposed to defer to the recommendation of his noble friend. One of

his reasons for persevering in the course which he had taken was, that he could never understand what the nature of the bill was which the very rev. Prelate intended to propose. He now understood that it was a bill—not for a commutation, but only for a composition. He might go on, night after night, pointing out the mischiefs of tithes to the interests of agriculture, and all the interests of the community, for the subject was a most fertile one. He might show what great advantages France and Scotland had derived from the abolition of the tithe system; the latter, a country inferior in climate to England, but far superior in cultivation. But it appeared to be expected that this measure for a composition would lead to a commutation, and he would take the advice of his noble friend, and abstain from agitating the subject—for a time. The noble and learned Lord (Wynford) had also fallen foul of him, because he had exposed and endeavoured to undo Sir William Scott's job—[Lord Wynford: That is a very objectionable mode of speaking of Lord Stowell's Bill].—Why, really, the noble Lord appeared to be much more touchy on the subject than Lord Stowell himself would be. The bill was one which had really answered the end which Lord Stowell and the clergy had in view. Sir William Scott was himself an emanation from the clergy, and had fought their battles, as he was bound, being their advocate, to do.

His Lordship, withdrew the latter part of his Motion, agreeably to the recommendation of Earl Grey, for the purpose of ascertaining whether it might not be put in a shape better calculated to attain the object in view—the former part agreed to.

HOUSE OF COMMONS,

Monday, Feb. 14, 1831.

MINUTES.] Bills. The Bankrupts' Act Continuation Bill (Scotland) was read a second time. A Bill to amend the Statute of Frauds, was read a first time; as was a Bill to amend the Law as to the Attestation of Instruments.

Returns ordered. On the Motion of the Marquis of CHANDOS, several, respecting the Slaves and the Trade with the West-India Colonies:—On the Motion of Mr. SYKES, an account of the Excise Duties levied upon hard and soft Soap for the last ten years, ending 10th January, 1831.

Petitions presented. For Parliamentary Reform, by Lord F. OSBORNE, from Royston:—By Sir G. ROBINSON, from the Borough of Northampton:—By Mr. LABOUCHERE, from Taunton:—By Lord MORPETH, from Sheffield, Halifax, and other places in Yorkshire:—By Mr. HUNT, from Glasgow:—By Mr. PENDARVIS, from Penzance, and St. Ives; and from Redruth, in favour of the Local

Jurisdiction Bill. By Mr. HUNT, from the Rotunda (Blackfriars) Meeting, complaining of the Judges who presided at the late Commission. For the Repeal of the Assessed Taxes, by Mr. Alderman THOMPSON, from the Ward of Bishopsgate. For the Repeal of the Duty on Coals, by Sir E. KNATCHBULL, from Deal, Ramsgate, and Margate:—By Mr. Alderman THOMPSON, from the Cordwainers' Ward. By Mr. HOBHOUSE, from the Cotton Manufacturers of Stockport, praying for the Consolidation of the Laws respecting Workmen. By the Marquis of CHANDOS, from Shernington and Emberton, for alterations in the Poor-laws. For a National Fast, by Mr. PUSEY, from a place in Wiltshire:—By Sir E. KNATCHBULL, from the Inhabitants of Bedfordshire and its vicinity:—By Mr. HUGHES HUGHES, from the Inhabitants of Ryde, in the Isle of Wight:—By Lord MANDEVILLE, from the Inhabitants of Huntingdon:—By Lord MORPETH, from Jevington and Soothill:—By Mr. SHAW, from the Congregation of Sandford Church, near Dublin. In favour of the Vestries' Bill, by Mr. Alderman Wood, from certain Inhabitants of the Parish of Mary-la-bonne:—By Mr. HOBHOUSE, from St. Pancras, and St. Leonard's, Shore-ditch. For the abolition of Tithes, by Lord F. OSBORNE, from the Landholders of Ely. By Mr. W. BROWN, from Killarney, against the Subletting Act. By Mr. WYSE, for the Repeal of the Union, from certain Parishes in the County of Tipperary; for the better appropriation of the Funds for the Education of the Poor, in Ireland, from the Roman Catholic Inhabitants of a Parish in the County of Mayo; from Tuam, and from Galway, in favour of the Elective Franchise Bill; and from the Soap-boilers of Clonmell, for a revision of the present Duties and Drawbacks. Against the Repeal of the Union, by Mr. SHAW, from Sir H. LEES. By Mr. LEADER, from Navan, Kilkommon, and Dundalk, for Reform of Corporations in Ireland.

PROSECUTIONS IN IRELAND.] Mr. Leader, in presenting a Petition from certain Stucco-plasterers, praying for a Repeal of the Union, observed, that he had been accused in Ireland of a deficiency of zeal in advocating this measure. He had endeavoured, by setting an example of moderation, to induce others to act moderately. He would not offer any observations with respect to the angry feeling which existed in Ireland on this subject. He, however, rejoiced to think that there seemed signs of returning moderation, and that there was a prospect of an amicable termination to those prosecutions which had created such excitement in Ireland, and operated so injuriously to the peace of the country. He was sure that the Government, in the execution of its arduous duty, would do every thing with moderation, firmness, and magnanimity. He could not avoid, at the same time, expressing a hope and a belief that such moderation and firmness would have the best effects on the minds of the people, and produce that tranquillity, which he was sure was the ardent wish of every man who valued the prosperity of the empire, and the intimate union of all its separate parts.

PERTY TAX.] Mr. *Hobhouse* presented a Petition from the Borough of Wilton, signed by a great number of highly respectable persons, among whom were the Archdeacon of Wilts, and several distinguished Clergymen, praying for a full and efficient Reform in Parliament. He cordially concurred with the petitioners, and trusted that his Majesty's Ministers would take the wise course of at once proposing such an extensive Reform as would alone be satisfactory to the country. The petitioners also prayed that the present system of taxation might be remodelled, and proposed the adoption of a graduated Property-tax. To that he was persuaded we must come; not to a property-tax such as that unequal measure which formerly existed, but to a graduated tax. He had consulted landowners, stockholders, lawyers, merchants, and people of every description, and he found them to be unanimously of opinion, that to a graduated property-tax his Majesty's Ministers must resort, if they meant to do justice to the country, and satisfy the people of England. The hon. Member also presented Petitions, praying for Parliamentary Reform, from the Borough of St. Mawes, and from Heaton in Lancashire. In presenting the last, the hon. Gentleman observed, that it prayed for Universal Suffrage, Annual Parliaments, and Election by Ballot. For himself he would say, that although he should certainly vote for universal suffrage and annual parliaments, should they be proposed, he did not consider them to be indispensable; but election by ballot he held to be absolutely indispensable; and he gave notice, that if it did not form a part of the plan to be introduced by his noble friend, he would himself move for leave to bring in a bill to allow the elections for the city of Westminster to take place by ballot.

Mr. *Pendarvis* presented a Petition, seventeen yards in length, and signed by 10,000 persons, from the county of Cornwall, praying for Parliamentary Reform. The hon. Member stated, that the meeting, although not convened by the Sheriff, was most numerous and respectably attended. It was stated by the petitioners, that they had peculiar means of knowing the existing corruption in the mode of returning Members to Parliament; as out of twenty boroughs in their county, eighteen were under private patronage. The meeting at which the petition was

agreed to, was enthusiastic and unanimous in favour of Reform, and it was indispensable that the House should lend a favourable ear to the prayer of the petitioners.

TAXES UPON KNOWLEDGE.] Lord *Morpeth* said, he had great pleasure in presenting two Petitions, the one from the Compositors and Printers of London; the other from the Compositors and Printers of Sheffield, praying that the duties on Paper, on Newspapers, &c. should be repealed. The noble Lord observed, that both the petitions were drawn up with an ability which well became individuals connected with literature. He trusted that the prayer of their petition would be attended to, and that the utmost facility would be afforded to the dissemination of knowledge through the medium of the Press. It might undoubtedly happen, that in so doing, increased circulation might be given to those blasphemous and libellous publications which every one would wish to see, not merely taxed, but annihilated. However, in this, as well as in every other case, the good must be taken mixed with evil; and he was persuaded, that the good would preponderate in any measure which relieved the Press from its present burthens; and that the result would be seen in the furtherance of the cause of sound literature and true religion. Of this he was convinced, that wherever the schoolmaster was abroad, there Swing would not find his way. Laid on the Table.

REPEAL OF THE UNION (IRELAND).] Mr. *Hunt* presented a Petition from certain Tradespeople in Dublin, praying for a Repeal of the Legislative Union between Great Britain and Ireland. The hon. member observed, that the people of Ireland were the best judges of their own grievances; and if he found them unanimous in praying for a Repeal of the Union, he, for one, would not oppose them.

O'Gorman Mahon, in supporting the petition, took occasion to thank the hon. Member (Mr. Hunt) for expressing a fair and just opinion towards Ireland. The hon. Member truly said, the Irish were the best judges of their own grievances, and he hoped that hereafter the House would see reason for concurring in the sentiments which they had just heard. He proceeded to say, that he was anxious, if not out of order, to take that opportunity of stating, that his countrymen had no

idea of obtaining any measure from that House except by peaceable and constitutional proceedings. They had no idea of making an appeal to force of arms. He was sorry to perceive that the observations he had made the other night were misunderstood. He most positively disclaimed a connexion with any secret society, formed for the purpose of obtaining a Repeal of the Union. In what he had said the other evening, he was merely anxious to state, that he was a member of a Society, or of a Club, consisting, with the exception of himself and one other person, of Protestants and Dissenters, which, long before the passing of the Catholic Relief bill, had one and all expressed an opinion in favour of a Repeal of the Union. But never had they agreed to any steps of a secret, forcible, or even a political nature. The House, therefore, he trusted, would understand, that he was not in any degree connected with a society of Roman Catholics, combined for the purpose of obtaining a Repeal of the Union. In the club to which he had alluded (as he had before stated), he and another gentleman were the only Roman Catholics.

General King was extremely happy to hear the hon. Gentleman's explanation; and hoped that he would also take the opportunity of correcting a misrepresentation he had made with regard to the state of public feeling in the county of Sligo, respecting the Repeal of the Union. He, as Member for that county, could take upon him to declare that the people there were almost universally in favour of a continuance of the connexion between the two countries. The hon. Member had also argued that the county of Roscommon was decidedly in favour of Repeal, in consequence of the resolutions passed at a county meeting; but he (General King) could assure the House, that the landed proprietors, and the respectable inhabitants of the county were not present.

O'Gorman Mahon said, that he never, since he had entered that House, had alluded to the county of Sligo. The hon. Member attributed to him the words used by some other person. As to what had been said by the hon. Member about the meeting in Roscommon, he had only to observe, that it was, to use the gentlest words, rather harsh and discourteous to say that the respectable inhabitants of the county were not present at a meeting at which the High Sheriff presided, and one

of the Members of the county attended. He hoped, accordingly, the hon. Member would withdraw these expressions.

General King allowed that there might have been about twenty respectable persons at the meeting.

Petition to be printed.

GENERAL FEAST.] Mr. Hunt presented a Petition from Southampton, praying the House would not listen to the petitions for a General Fast, but that, on the contrary, when Reform in Parliament should have been granted, and a reduction of taxation made, the Houses would concur in an humble Address to his Majesty, praying him to appoint a General Feast and Jubilee. For himself, he stated, he would oppose the motion for a General Fast, and on the same grounds that his own motion was opposed the other night—namely, that it interfered with his Majesty's prerogative.—Petition to lie on the Table.

PROSECUTION AGAINST MR. O'CONNELL.] The Marquis of Chandos rose to ask two questions of the hon. member for Windsor (Mr. Stanley). The first was, whether a vessel with false papers, having on board several stands of arms, had been seized in the Shannon? He wished to know if this was the fact, and if the Government had any farther information to communicate upon the subject? The second was, whether any compromise had directly or indirectly been made by Government with Mr. O'Connell, who, he understood, had pleaded Guilty?

Mr. Stanley said, that upon the first point he could give the noble Marquis no further information than that which he had already derived from other sources. It was true a vessel was seized in the Shannon, which professed to be bound for America, and had on board twenty cases, in which were thirty stands of arms. What the ulterior object, or what the intention of those on board the vessel was, he had not the means of informing the House. He could only say, that the vessel was then in the possession of the Preventive Service, and that the strictest inquiry should be made. He would now answer the second question, which he was extremely glad the noble Marquis had been led to ask. He had heard, with no less pain than surprise, that it was imagined by some people that the plea of guilty which had been record-

ed by Mr. O'Connell and the six other traversers, was owing to some intimation or communication direct or indirect with the Government. He would not say, that the friends of Mr. O'Connell, both here and at the other side of the water, had not endeavoured to make terms for him; but the uniform answer to such applications, both on this side of the water and the other, was, Mr. O'Connell's conduct had brought the country into such a state, that the Government felt, that if it regarded the maintenance of its own dignity, it could not, in this affair, recede one single inch. That Mr. O'Connell might pursue the line of conduct which might to him seem best; but that, whatever conduct he pursued, the law must take its course.

REPORT ON THE BUDGET.] Lord Althorp said, that in moving that the Report of the Committee of Supply be brought up, he wished to make some observations which would occupy the attention of the House for a short time. He trusted the House and the country would believe that his object was to relieve, to the utmost of his power, the productive industry of the country; and this, he conceived, could be best done by relieving those manufactures which were pressed down by the weight of taxation, and by the mode in which it was collected. His object, then, was, to give these manufactures such a stimulus as might promote them, and increase the prosperity of the country. With that view he had proposed to take off certain taxes, oppressive in the two ways in which he had stated, and to substitute others for them. It was, in the existing state of the finances, impossible for him to remit duties to any extent, without seeking an equivalent; and amongst those imposts which he proposed to lay on with that view, was the tax upon the *bona fide* transfer of property in the Funds. He did still consider it practicable to levy such a tax, and to make a distinction between the two species of sales. He did not, on a former night, like to state the name of the gentleman to whom he had communicated his plan, and from whom he had sought information on the subject. Now, however, he had his permission to do so; and he had to say, that gentleman, who had answered his inquiries, was the Governor of the Bank of England. And although he admitted the great authority of the practical men who

had declared themselves against the project, he could not, however, resign his opinions. The Governor of the Bank told him, there would be no difficulty whatsoever in the collection—none in making the distinction between the two species of sale. And when it was said that the Bank could not have given the extensive accommodation it did in 1825, he had simply to declare, in reply, that every accommodation might have, in like manner, been given, if the tax were in operation. Neither did he admit, that anything which he had heard the other night, in the least tended to convince him, that in laying on this duty, he should commit a breach of the public faith. If he had suspected that such would be the case—if he had the least idea of it—he would be the last man in the world to advance the proposition. But he thought then, and he still thought, that the tax might have been imposed without any breach of public faith. However, after the opposition the measure had met with in that House, he certainly would not persevere. The opposition he met with was such, that he should have, at least, great difficulty in persevering; and, therefore, he thought it right to take the first opportunity to relieve the public from suspense. He was sorry, while making this statement, to be obliged to add, that he felt he had lost the opportunity of doing great good. By this reduction, his Ways and Means were so straitened, that it was impossible for him to afford the extent of relief which he had contemplated. He was, consequently, compelled to reserve two taxes, as an equivalent for the duty on transfers, on which he had calculated. The taxes which he should not take off, were that upon Tobacco, and that upon Glass. Concerning the first of these taxes, great misunderstanding had prevailed, as to the grounds on which he had taken it off. It was not as a relief to the poor, that he did so; but because it belonged to the first of three classes into which he had divided the objectionable taxes—namely, that in which the duty on the article was so large as to diminish its consumption, and, consequently, the return to the revenue, while it at the same time encouraged smuggling. The reduction of the tax upon tobacco to 1s. 6d. a pound, would have annihilated smuggling on the coast of Ireland, where it prevailed to a great extent; because, the profit would be so very trifling, as to render the

risk too great for the smuggler. As to the other point, that there would be a falling off in the revenue from this article, in the first year, was evident; but, as little doubt had he, that in a short space of time, the loss would be made up, and the return to the Exchequer become greater than it had ever been before. He had now endeavoured to explain that his only object was, the relief of the people, and did not think it necessary to say more than that he had ascertained, in the most satisfactory manner, that he could lay on the tax on transfers, and that there would be no breach of faith in laying it on.

Mr. Ward congratulated the noble Lord upon the resolution to which he had come, but contended, that nobody left the Treasury-chambers, for the last quarter of a century, who was not impressed with the belief, that there was an agreement between the contractor and the Government, that no stamp-duty whatsoever should ever be imposed upon the transfer of property in the Funds. He also stated, that all the Governor of the Bank had told the noble Lord was, that if the tax were laid on, he would assist him to the best of his ability; but he (Mr. Ward) contended, that it was impossible for the Governor of the Bank to make a distinction between the two species of transfers.

Mr. Littleton said, he had heard the noble Lord with mingled satisfaction and regret—satisfaction, that the noble Lord had exhibited on this occasion the same candid, manly, and open conduct which had ever distinguished him—and that he (Lord Althorp) had exhibited a becoming deference to the authority of the character and great professional eminence of the hon. Members who had opposed his measure. He regretted the great ignorance (he did not use the term offensively) of the hon. Members opposite, to their own real interests. He was satisfied, too, notwithstanding the show of resistance in that House, that if the noble Lord had waited for a little to take the sense of the country upon it, he might have carried his measure, and if not by a triumphant majority, at least by such a majority as would fully justify him in proposing it. He stated, that great dissatisfaction prevailed amongst the agricultural and manufacturing interests; at the immunity from taxes conceded to the fundholder, and expressed his opinion, that the failure in this project would be hereafter the occasion of a pro-

perty-tax being imposed, instead of those duties which pressed on the springs of productive industry.

Sir E. Knatchbull asked the noble Lord, if he did not propose to take the tax off the transfer of land as well as of property in the Funds?

Lord Althorp, in answer to the hon. Member opposite (Mr. Ward), observed, the Governor of the Bank had positively told him, the collection of the tax and the distinction between the transfers would be easy. In reply to the hon. Baronet, he was understood to say, that, considering how heavily the land was already burthened, he could not think of leaving a tax on it which he removed from property in the Funds.

Mr. Alderman Thompson hoped the noble Lord would revise his plan still more. He objected to the change in the duties on Wine, and fancied, that had the noble Lord known of the Act of 1823, which provided, that Cape Wine should be received in this country at an unchanged duty of 2s. 5d. until the year 1833, he would not have proposed to raise the duty. There was a great consumption of Cape wines, so that the additional duty ought not to be imposed, for such a duty would destroy the trade in it; and, in his opinion, the trade was one which ought to be protected. And he understood that the capital embarked in the cultivation of the vine at the Cape of Good Hope, was not less than 12,000*l*. He did not think that the trifling advantage to the revenue of 19,000*l* could justify ruining the property of the Cape settlers. He hoped the noble Lord would reconsider the duty with respect to timber, for he could assure the noble Lord, the shipping interests were much alarmed. The new duty imposed on timber would almost exterminate that interest, which, in his opinion, had suffered enough already. Some of our colonies would also suffer from the operation of that duty, for the timber they now supplied, would be no longer required, and that article of their trade would be at an end. The number of British ships engaged in the Canada timber trade, was at one period far greater than the number engaged in the Baltic timber trade, and he believed, that the alteration proposed in the duties on timber, would only benefit the revenue to a very trifling extent, while it would ruin all the ship-owners concerned in the Canada timber trade, and inflict a serious injury on

that colony. He had been requested by a body of persons, interested in this matter, to urge upon the noble Lord the reconsideration of the proposition regarding the timber, and he had also to request from the noble Lord, a declaration, whether, with respect to the duty on printed cottons, he intended to allow a drawback to the retail dealers who had a stock on hand? As the duty amounted to thirty per cent on the low-priced goods, the pressure would be hard on the parties who held these stocks.

Lord *Althorp* said, that with respect to the allowance of return of duty in favour of the retail shops, who might have a stock of printed goods on hand, such a thing, he feared, would be impossible. In the removal of any duty, he feared that great inconvenience would always be likely to ensue, and that loss to some parties or other would be unavoidable. Every Gentleman must, however, see that such a loss was inevitable, and could hardly avoid perceiving, at the same time, that no such allowance as that now requested could be made without opening the door to many frauds.

Sir *Joseph Yorke* said, he was one of those who considered it better to

——— "Bear those ills we have,
Than fly to others that we know not of!"

He gave every degree of credit to the Ministers for what they had done, but he feared it would be found that they had attempted to do too much; he feared that they had endeavoured to conciliate public opinion too much, and because the late Government had taken off 3,500,000*l.* of taxes last year, they imagined they must do the same this year, and thus, in the short space of two years, reduce one-eighth of the whole revenue of the country. By doing this, or rather, attempting to do it—for he believed they must be unsuccessful in their attempt—they did but disturb the state of the public revenue, without producing any advantage, and needless difficulties were occasioned which the Government must prepare to meet. He recommended the Ministers to adopt a different course from that which they had stated they intended to pursue; he recommended them to take off two taxes, and not to put on any other. The taxes he advised them to reduce were, that on Coals and Calicoes, and having taken them off, the public would receive a great benefit without the revenue being diminished, and without the Govern-

ment being under the necessity of imposing other taxes to supply the place of those which had been removed. In his opinion, the Government might retain the tax on Newspapers, the reduction of which would be less beneficial than the imposition of others would be injurious. Considering the situation of this country with reference to foreign Powers, there ought to have been a greater surplus than was now secured. In what he had said, he hoped that there was nothing offensive to the Government, as he could assure his noble friend, he was anxious to support the Ministers in their endeavours at economy.

Mr. *Warburton* was most happy that some part of the measure of which notice had been given, had been withdrawn, and to supply the deficiency thus occasioned, he should be most happy to support, whenever the noble Lord might think fit to propose it a real, property-tax. Such a tax would raise several millions, and enable the Government to take off those taxes which now bore heavily on the productive industry of the country. He wished, too, that the noble Lord would impose such a tax that he might not be compelled to put the tax on steam-boats, for that tax would be very injurious, especially to the inhabitants of the western coast of Scotland. Steam now afforded the only means of communication between the small islands there. In case of war, too, the steam-boats would be an excellent means of defence to our Channel, and he had no doubt that they would be found of the utmost importance in that respect, and they would never again hear of privateers taking merchant-vessels almost in sight of our harbours, and when the state of wind permitted, within a few miles of our own shore. A tax like this would be a great injury to what he might call an infant branch of the naval force of this country. With these exceptions, he gave his unqualified approbation to the propositions of the noble Lord. He would take that opportunity of saying a word with respect to the Canada timber. The favour shown to that timber, and the duty put upon timber from other countries, operated injuriously to England. These protecting duties, imposed for the benefit of an inferior article, pressed heavily upon productive industry, while they lessened the revenue of the country, and were, therefore, in all respects, most objectionable.

Mr. *P. Thomson* was glad to hear the

defence made by the hon. Member who had just taken his seat, for some of the duties, and only regretted that any part of the scheme of his noble friend should have met with that hon. Member's disapproval. He must beg to remind the House, that while the expenditure of the Government remained what it was, the only relief that could be afforded to the people was by the mutation of taxes, so as to be able to relieve the productive industry of the country. It was with the view of giving advantage to our productive industry—it was with the wish to relieve the poorer classes, that his noble friend (and he believed the country gave his noble friend credit for these wishes) had made these proposals in the budget. By the new arrangement of the various taxes now existing, his noble friend relieved the productive classes to the amount of 4,000,000*l.* while he had only re-imposed taxation to the amount of 1,300,000*l.*, to be drawn from the pocket of the consumer. He regretted much that the tobacco-duties must be continued, and he regretted it for two reasons, first, because the people had been deprived of a considerable relief; and next, because the reduction of that duty was made on the principle of getting rid of smuggling, by the reduction of high duties, which now operated as a premium on its continuance. At an expense of 100,000*l.*, to come from the pocket of the consumer, his noble friend had relieved the people from taxes amounting to 2,000,000*l.* He took off a duty of 800,000*l.* upon coals—another of 500,000*l.* upon calicoes—another of 450,000*l.* on candles, and another of 250,000*l.* on newspapers; and after all these reductions, the surplus was not diminished, but it was actually increased, by the simple mutation of taxes, with the addition of the tax on steam-boats to the amount of 100,000*l.* His noble friend had reduced the duty on wine, and on timber, and yet the revenue would be augmented. He made a similar reduction with regard to cotton, and still the revenue would be increased. He took the duty off coals, and made the foreigner contribute 100,000*l.* a-year to the revenue of the country. Then it was said, that partial equalization of the duty on timber was an evil, and that the shipping interest would be much injured by it. In the first place, he denied at least the amount of the injury that interest was likely to suffer; and

in the next, he must say, that no one class of persons in the country were entitled to have their interests considered in exclusion of the interests of all the rest. That policy was a bad one which affected to bolster up one class of persons at the expense of an injury to all others. Supposing, however, that the shipping interest would be injured by the tax on timber, he must say, that he had a right to balance against it the benefit that interest would receive from the reduction of the duty on coals—a reduction that he had no doubt would double the number of ships now employed in that trade. The agriculturists of the country would be much benefitted by the mutation of the timber-duty, since they would procure all those things for which timber was required, at a much cheaper rate than at present. When they were told, too, that the British shipping interests would be injured by the mutation of duty, they ought to recollect, that in 1810 the number of British ships employed in the timber trade in the Baltic was considerable, there being 480,000 tons of shipping employed in importing timber from the shores of the Baltic at that time. Under these circumstances, he must repeat, that he regretted the failure of his noble friend's plan, and that, in his opinion, the House could not do better than confirm by their votes the propositions which his noble friend had submitted to them. The revenue acquired by the Government could not be diminished, and therefore he saw no means whatever of relieving the distresses of the industrious classes but by a mutation of the taxes.

Mr. *Praed*, after apologizing to the House for trespassing on their attention on a question so complicated as the present, thanked the noble Lord opposite for having, by withdrawing the duty upon transfers of property, saved him the necessity of giving it his opposition. Of the proposition for that duty he would now say, that he should have been ready to support it, if he could have believed it even to have been expedient, although the noble Lord might not have been able to satisfy him that it was just. It was owing to the landed interest, that, up to this hour, in periods of great difficulty and distress, faith had been kept with the public creditor, and he trusted, that at this moment, nothing would be done that was not founded on the same spirit. It seemed to him that the noble Lord had been

guilty of one great mistake, and that was this, that when he took the duty off one article, and transferred the burthen to another, he placed too much confidence in the increased consumption of the article making up for the effects of the diminution of duty. In this country it was difficult to remove a duty from a taxed, to place it on a hitherto untaxed article. If, therefore, the duty was transferred, it must be transferred from an article already taxed to one also taxed, but in a different degree. Upon this change the revenue would gain or lose in proportion as the article to which the duty was transferred had before been more lightly or more heavily taxed. He would now apply this observation to the case of the commutation of duty on printed calicoes. The most popular argument on this point was the fact, that the existing duty pressed heavily upon the poorer, and lighter upon the richer classes. He admitted the fact, that it was a partial and oppressive tax, and if the revenue could afford to lose the tax, it ought to be repealed. But then, what was it that the Ministers propose to substitute for it? Why, one penny a pound upon raw cotton. Now, he proposed to show, that the poorer classes would gain little or nothing by the substitution. It happened that a piece of common printed calico weighed about four pounds, and was sold at from 6s. to 8s. It followed, that the tax on the raw material of this article would amount to 4d. upon 8s., or five per cent. A piece of striped muslin, worn by the higher classes weighed about two pounds, and was sold at 40s. at a low calculation. It followed from this statement, that the tax on the proposed commutation would amount on the lower-priced goods to five per cent, and on the higher-priced article to not quite a half per cent. There might be many reasons which made it appear to the House good to take off the duty upon printed calicoes, and to put it upon the raw cottons, but he must confess, that he thought the noble Lord could not take credit for having conferred by the change a very extensive boon upon the lower orders. There was another objection to this tax, and that was, the concomitant of a drawback, so that he feared the revenue would gain less than was supposed. There was one other point, which seemed not to have been overlooked by the noble Lord himself, but of which he had taken no

public notice—he meant the effect, the immediate effect, that must be produced in discouraging, if not extinguishing, the importation of cottons from our East-India Colonies. An indiscriminate duty of 1d. on cottons would bear more heavily on the cottons from the East Indies than from the Brazils and the Havannah. He held in his hand a return of the quantity of cotton imported during the last year. The account was made up to 31st December, 1830. The price of Surats was 5d. per pound; a tax of 1d. per pound on that price was twenty per cent. The cottons from Georgia were 6½d. a pound, and the duty on that would be eighteen and-a-half per cent. The cottons from New Orleans were 7d. per pound, and the duty on them would be fourteen and-a-half per cent. The cottons from Pernambuco were 8d. per pound, and the duty on them would amount to twelve and-a-half per cent. The result, therefore, of this indiscriminate duty would be, to impose a heavier tax upon the cottons from our own Colonies than on those from foreign countries. He had the authority of those who were deeply interested in this trade for saying that it must put an end to the importation of East-India cotton. He could scarcely conceive, that the noble Lord, when he was satisfied of the accuracy of this statement, would persist in the imposition of the tax. He believed, that with a very slight improvement, Surat cottons would be applicable to any part of our manufactures. He put it to the noble Lord, whether he would impose a duty which would have the effect of putting an end to that branch of productive industry? If our Indian cotton trade was encouraged, we should be independent of the cotton from the United States. He would ask whether this was a time to diminish the value of East-India cottons, when we were about to call on the Company to make sacrifices for the benefit of the State? The Ministers ought to remember, that these cottons were exclusively our own colonial produce, and that they were brought hither exclusively in British ships. He was sorry to say that the importation of these cottons had much diminished within the three last years. From a statement in his possession, he found that in the year 1828, the import of raw cotton from the East Indies was 84,000 pounds; in 1829 it was 80,000 pounds, and in 1830 it amounted only to

35,000 pounds; and it was evident that any further discouragement would put a stop to the trade altogether. If, therefore, the extension of the proposed tax, as at present contemplated by the noble Lord, was persisted in, he should feel it to be his duty to take the sense of the Committee upon a proposition for relieving the Colonies of Great Britain from a tax which, in the opinion of all who were qualified to form an opinion on the subject, would have so injurious an effect on the prosperity and welfare of those possessions.

Sir J. Graham congratulated the hon. and learned Member on the manner in which he had gone through that which he (Sir J. Graham) knew from experience to be a severe and painful trial; namely, that of addressing that House for the first time; and in observing the great perspicuity with which the hon. and learned Member had delivered his sentiments, he could not avoid congratulating the House on the accession of talent and information they had gained by the introduction of the hon. and learned Member. He partook in some degree of the embarrassment under which the hon. Member had seemed to labour, although, on various former occasions, he had presented himself to the notice of the House. He was free to confess, with the frankness due from every man, that upon this subject he had felt considerable difficulty. He had found it impossible to disconnect the subject of the Budget from the question of the Currency generally, and upon that he had expressed sentiments dissonant from those of many of his colleagues. In consequence of the open avowal of those opinions, an endeavour had been made to fix upon him a degree of obloquy, in which, at all events, he was anxious that his colleagues should not participate. The hon. Member who had just sat down, had said, that he would have supported the tax upon the transfer of property, had it been shown to be expedient, even if he had failed to prove that it was just. He (Sir J. Graham) would never have supported the tax on the ground of expediency, if he were not also satisfied in his conscience that it was not unjust. Perhaps, as the King's Ministers had declared that they did not mean to press the tax, it was superfluous to press the topic; but for his own sake, and for the sake of those who acted with him, he wished to state the view he and they took of the justice of the tax. In the first place, he

could not discharge from his mind all that had taken place regarding the money transactions of the country during the last thirty years. Out of office he had not hesitated, and in Office he would not scruple, to declare, that since the fatal Bank Restriction Act of 1797, which an hon. Member on a former occasion had spoken of as a year of palmy credit, the money transactions of the country from time to time had been regulated by measures, not only not in the abstract just, but, as he contended, flagrantly unjust. The Legislature had thus been involved in so many difficulties, that the question had not been, how could it act with strict justice to all parties—but in what manner it could avoid the greatest sum of injustice. In 1797, what had been the conduct of the Legislature? It announced to every creditor in the kingdom, “You shall not receive what you stipulated to receive; but something you did not stipulate to receive. Your contract was, that you should be paid in gold, but we (the Legislature) decide that you shall have nothing but paper.” In 1819, the directly opposite course was taken; it adopted a measure of the grossest injustice to all debtors. The Legislature said to the debtors—“You shall pay what you did not contract to pay; you agreed to pay fifteen shillings, but we by an Act we are about to pass, call upon you to pay twenty shillings.” These directly opposite courses had embarrassed and encumbered all former questions of finance, so that every step taken was fettered and threatened danger. As occasion pressed, the burthen had been shifted from one class to another; but no substantial relief had been afforded to any. The fact was, that it was now extremely difficult, if not impossible, for the Legislature of the country to provide for all parties interested by measures abstractedly just. As to the particular precedent, he had been surprised to hear right hon. Gentlemen on the opposite side declaring so earnestly and so solemnly on the supposed injustice of the tax upon transfers. If he were not mistaken the right hon. Baronet (Sir R. Peel) when he was Secretary for Ireland, in 1816, voted for a continuation of the property-tax, although it was an express stipulation, when that tax was originally imposed, that it should cease within six months after the signature of a definitive treaty of peace. Yet, in the teeth of that engagement, and regardless of a sti-

pulation so express and positive as was contained in the words "no longer," the right hon. Baronet and his colleagues had voted for the permanent establishment of the property-tax. As to the public creditor, he had a question or two to ask with reference to the contract generally, for he did not mean to enter into any special pleading regarding the particular terms, although it seemed to him, that there was something rather prospective than retrospective in the words "any law or statute to the contrary notwithstanding." Was there no distinct contract between the public creditor and the Government embodied in an Act of Parliament which had been violated? Was there no special engagement in every Loan Act from the time of Mr. Pitt, and upon the insertion of which he had claimed credit, which, year after year, had been abandoned? In every bill for raising a loan a distinct clause had been inserted, providing that a *bona fide* sinking fund of one per cent should be provided. Minister after Minister had followed the example of Mr. Pitt; and yet that contract had been treated as so much waste-paper: one per cent over and above the interest of the Debt had been stipulated to be provided, and yet the public faith had been violated most irreligiously. Coming down to a later date, it was difficult to conceive a contract more special—more distinct, or more solemnly ratified by the Legislature, and even made a matter of boast by the originators of the measure, that after 1819, a *bona fide* sinking fund should be provided out of the surplus revenue, of not less than five millions annually. Yet the right hon. Gentlemen themselves had turned their backs upon their own bill—had forfeited their pledge, and had plainly told the public creditor, "five millions is more than we can provide, although we have undertaken to provide it—you must be satisfied with three millions; and whether you are or are not satisfied, you will get no more." When those right hon. Gentlemen left the helm of the State, declaring themselves no longer capable of holding it, so far from there being a surplus revenue of even three millions, the noble Lord (Althorp) had stated on a former night, that he found it, on entering Office, somewhat less than 300,000*l*. He did not wish to travel further in this direction; but he was bound to say, looking at all these circumstances, that he did not consider the specific terms

of the contract, between the public and the State, so stringent, that if the Government could show a case of necessity—for the sake, for instance, of relieving the labouring classes—they might not be abandoned. Upon this point he had deliberated much: and had come to the conclusion, that it was not inconsistent with an adequate observance of public faith. He thought that the only point Ministers had to establish was, that this new impost did not press exclusively on the fundholder, but that it embraced every species of property. When once that point was established, the tax fell precisely within the precedent of the property-tax. Personal chattels, it was to be recollected, were already taxed; all shares in Insurance Companies, Canal Companies, Bank Stock, East India Stock, and property of that kind, if he was rightly informed, at this moment, contributed their full proportion to the revenue. He was unwilling on some accounts to refer to what had passed on former occasions, but the hon. member for Dumfries (Mr. K. Douglas) on Friday night used a very harsh term, when he asserted, that the proposition of a tax of half per cent on real and personal property was founded in dishonesty. As borderers—the hon. member representing Dumfries, and he representing Cumberland—it might be said that they had a sort of bordering acquaintance—he meant an acquaintance bordering upon friendship; but the surprise he had felt was diminished by the hon. Member's explanation. After accusing them of dishonesty, he had added, that the present Ministers were not likely, to stand; so that the subject of congratulation explained the origin of the charge; it was not very likely that the hon. Member would accuse any Government he thought would be permanent with dishonesty; but flattering himself, in his anxiety to return to Office, that those who had turned him out would not long be able to keep their places, he had thought himself very safe in making his accusation. It was at least prudent to take what he considered the stronger side, however deficient such conduct might be in generosity. The hon. Gentleman came from a country that boasted of its second sight.—"Coming events cast their shadows before;" but he would for once find himself mistaken in his comfortable predictions, and what was worse, he would discover that his seclusion from the sweets

of place and pension would be of much longer duration than he anticipated. He did not think the present the best opportunity for going in detail through the Budget, as each particular tax would be separately brought before the House; but there were one or two topics touched by hon. Members that seemed to require some remark. The great principle for which the King's present Ministers, when on the other side of the House, had contended was, that the time had arrived, when either by the commutation of taxes, or in some other way, it was indispensable to relieve the suffering classes from burthens, the weight of which prevented them from attaining that prosperity which, in time of continued peace, they had a right to expect. In redemption of that pledge, as soon as they came into Office, they had repealed the duty on coals—an impost immediately interfering with the success of manufactures in districts near which fuel was not produced. The beneficial effect would be, to diffuse manufactures generally over the country, and to give increased employment to the lower orders. The commutation proposed with regard to cotton had been resisted; but if he were not mistaken, the duty upon all printed cottons, fine or coarse, was $3\frac{1}{2}d.$ per yard; thus the poor paid vastly more duty than the rich, not only because they consumed more cottons, but because they paid precisely as high a duty on the coarse goods they wore, as the rich upon cottons of a superior quality. The calculation, therefore, was, that the lower orders paid from forty to sixty per cent, while the rich did not contribute more than about five per cent, an extraordinary and most unfair disproportion. He would not follow the hon. Member (Mr. Praed) through his ingenious details, as finely woven as cobweb cambric, by which he wished to establish, that, under the proposed change, the poor would pay five per cent, and the rich only about one-half per cent, because that inequality was at all events an improvement upon the former state of the law. It would not be proper to detain the House further; but he was bound to say, in conclusion, that what had been resolved by Ministers was not inconsistent with their duty. They had ascertained the impression of the House of Commons—they had learnt what was the sentiment of the Representatives of the people, and they had yielded to it. The moment they had

learnt that those Representatives were opposed to the tax, they withdrew it. If there were one subject more than another on which it became Ministers frankly and fairly to yield to the sense of the Representatives of the people, it was that of a tax to be paid by the people. Such had been the course even in cases of emergency, when Ministers came down with the proposal of a tax which they considered absolutely necessary for the service of the country. Mr. Pitt had set this example, even in the plenitude of his power. In 1796 he brought down the Legacy Duty, and endeavoured to fix it, not only upon personal but upon real property. What was the result? The House rejected the proposition as regarded real property, although Mr. Pitt had opened it as an indispensable part of his Budget. The present Ministers, in an honest endeavour to meet the wishes of the country—to encourage industry, and to relieve manufactures—had brought forward this plan: if the Representatives of the nation said, “You have judged wrongly—you are mistaken—we cannot agree in the change you propose,” Ministers were bound to submit. They had brought forward these commutations, because in their conscience they believed that they were necessary for the public good; and by the course they had taken, he was sure that they had not forfeited the good opinion either of the House or of the people. Strange, indeed, would it have been, if they had forfeited the good opinion of the people because they had acquiesced in the sentiments of their Representatives. This mark of deference was due to the House, and it was in no respect inconsistent with the honour of Ministers.

Mr. *Praed* explained. He had objected to the change in the tax on cotton, because it still pressed most unequally on the lower orders.

Mr. *Keith Douglas* said, he was prepared to re-assert his expressions of the former night, nor would he retract one word, having spoken advisedly on the subject of the transfer tax. The noble Lord's proposition of a duty on the transfer of property was repugnant to all the general principles upon which society was governed. Neither could he make out the correctness of the noble Lord's calculation as to the amount which the proposed tax on the transfer of landed property would yield to the revenue. He could

not conceive that 100,000,000*l.* worth of land was transferred annually in this country; yet, at a duty of half per cent, it would require an annual transfer of 100,000,000*l.* to produce the amount which the noble Lord calculated. If such a quantity of land was transferred every year, it gave him a new impression of the state of the country, and assured him that it was in a more calamitous condition than he ever supposed it to be. The natural tendency of the commutation of taxation, which was so much contended for, was, in his opinion, to unsettle the general arrangements of the country, and seriously to injure the shipping and colonial interests. He had one other observation to add on the Chancellor of the Exchequer's plan:—the noble Lord calculated on a nominal surplus of 400,000*l.*, but his calculations were founded on the presumption throughout, that the expenditure was to be the same as that of the last year, whilst it was well known that there was to be a large increase of the army; and, he had it from report, an addition to the navy of 3,000 men. He was extremely sorry to be called upon, by the imputation of the right hon. Baronet (Sir James Graham) to make some further observations. The hon. Baronet had addressed, in reply to his former statement, only the worst argument—the *argumentum ad hominem*; but it remained to be seen what the people of Cumberland would think of the proposition of Ministers, supported by their Representative. He was not so unworthy a person as the right hon. Baronet represented him to be, and he had hoped that their former acquaintance had led him to form a better opinion of him.

Mr. *Cutlar Ferguson* agreed that Ministers were well justified in yielding to the sense of the House. He had himself felt decidedly opposed to the transfer tax, because he thought it a breach of faith to the public creditor. He rose, however, principally for the purpose of making an observation on one of the taxes, on which little observation had been made; he meant the tax on raw cotton. This was a tax on the raw material; and, being placed, not on the value, but the quantity, he feared it would be productive of serious injury to the East-India cotton trade. If he was truly informed, it would be attended with ruin to that trade. He trusted the noble Lord would reconsider that part of his proposition with respect to

cotton, and impose an *ad valorem* duty, if there must be a duty at all. By imposing a fixed tax, the effect would be, to burthen the produce of our own colonies with a larger amount of duty than the produce of foreign countries. The tendency of the proposed tax on cotton, therefore, would be, to depress and discourage our own colonies. As to the tax upon passengers by steam, he did not think it would be easily collected; and where it could be collected, he thought it would operate as a very oppressive tax. It would prevent labourers and others from proceeding by this cheap and ready mode of conveyance where their labour was required, and would not be productive; and the general effect would be, to obstruct that freedom of intercourse which every means ought to be adopted to encourage. It would be highly oppressive and extremely injurious in Scotland. With the exception of the two taxes to which he had adverted, and the proposal for a transfer duty on funded and landed property, which he certainly considered objectionable, he approved cordially of the Chancellor of the Exchequer's plan. He considered, that the duties which were proposed to be remitted pressed most severely on the poorer classes, and that their remission would prove greatly advantageous.

Mr. *Courtenay* did not consider that any of the measures or circumstances referred to by the hon. Baronet (Sir J. Graham) in any degree justified the proposed tax on funded property. It was not only partial as between funded property and other descriptions of property, but it was equally partial as regarded one description of funded property and another, inasmuch as it only affected funded property in a state of transfer. The right hon. Baronet had taken great pains to establish the equity and justice of the proposal, but to him it appeared unjust in itself, and in direct contravention of Acts of Parliament. The bargain was between two parties,—Parliament and the public creditor; and the former, because it possessed the power, now proposed to violate the spirit and essence of the contract. He did not conceive that the instance of the property-tax, so often adverted to, offered any analogy, inasmuch as that was a general tax, put upon the fundholder in common with every other person possessing income. He also considered the pro-

posed tax most impolitic, as the facility of transfer was one of the peculiar and characteristic advantages of funded property, and enabled Government to obtain loans, in seasons of emergency, on much better terms than if they endeavoured to borrow money by a mortgage on the Crown lands, or any species of indivisible security. As the proposal of a tax on the transfer of funded property had been properly withdrawn, it was not necessary for him to argue further against the principle of that proposal, more especially as he hoped and believed that other alterations would be made in the proposed plan. The Duke of Wellington's Government had been enabled to make great reductions of taxation, by reduction of expenditure, and the present Government found that they could not carry the principle much further. He was quite ready to admit, however, that the present Government was effecting all that the Duke of Wellington's Government had left undone. As a West-countryman, he felt grateful to the Government for that part of the noble Lord's proposition which referred to sea-borne coals; but, important as he considered the remission of that duty, he considered it better it should remain than that so unjust a tax as that proposed on the transfer of funded property should be established. An appeal had been made by his hon. friend, the member for London, on part of the noble Lord's plan,—the equalization of the duty on wines, and on the effect that measure must have on the producers of Cape wine. The Act imposing the duty now paid on Cape wine was passed in 1829, and a Committee of that House had recommended that no further duty should be imposed until January 1833. The producers of Cape wine, therefore, had a reasonable ground for expectation that no further duty should be imposed until the period stated. Nothing but overwhelming circumstances should, therefore, induce the Government to increase the duty—a measure which, as he understood, involved what may be called the life or death of a colony which had greatly improved. There was not a person connected with the Cape who did not state, that if the duty was raised as proposed, the trade would cease altogether, and a vast quantity of British capital must necessarily be lost. The case of the wine producers of the Cape was still further strengthened by the fact, that it was re-

commended by the Committee that, after 1833, the duty should be fixed at 3s., not more than half the amount now proposed. Under those circumstances, he implored the noble Lord (the Chancellor of the Exchequer) to reconsider this part of his plan. The importance of the Cape of Good Hope was not sufficiently known or estimated. An hon. Member on a former evening stated, that the trade with Portugal was more valuable than that with France, and in that proposition he did not concur, and, not concurring, he could not agree in the propriety of reducing the duty on French wines. He might state, however, that by the official returns of the year 1821, it appeared that a larger quantity of cotton and woollen goods were exported to the Cape of Good Hope than to France. He would not trouble the House further on this subject, as he should probably have to present a petition on the subject, if the noble Lord did not reconsider this part of his plan. With respect to the tax on raw cotton, he entirely concurred with the hon. member for Kircudbright (Mr. C. Ferguson). He was afraid that it would operate to repress productive industry. He would not take upon himself to say that the great energy of the East-India growers of cotton might not enable them to surmount the disadvantage to which they would be subject from the proposed impost—but he was satisfied the measure would tend seriously to injure the East-India cotton trade. He acknowledged, however, that the removal of the tax upon printed cottons gave him great satisfaction. He was sure that it would also give great satisfaction throughout the country, as that tax had always been considered exceedingly offensive. With respect to the Chancellor of the Exchequer's proposition as to the timber duties, it had his concurrence, as he always considered that some such alteration was necessary.

Mr. Schonswar was unwilling to make any opposition to a proposition which included the repeal of the duty on sea-borne coals. He thought, however, that the proposal affecting Cape wines was a bad example of kindness towards an infant colony. He rose principally, however, to call the attention of the House to that part of the Chancellor of the Exchequer's plan which more particularly affected the shipping interest, which was so long suffering, and continued to suffer, under great depression. If any additional bur-

then was put on American timber, it would throw out of employment a large class of ships that could not easily find any other employment. He contended that it would also throw an additional difficulty in the way of emigration to Canada, for which assistance from Government had at one time been afforded, and which afforded an excellent channel for carrying off the superabundant population of this country. By putting a stop to the timber trade with Canada, it was quite obvious that the facilities of which multitudes availed themselves would be put a stop to; and in this view he considered that the present rate of duties was entitled to a favourable consideration.

Lord *Howick* would not go into the subject of the tax upon transfers, as that project had been abandoned by his Majesty's Ministers, and therefore he did not see any necessity for his then undertaking its defence. The right hon. Gentleman, the agent for the Cape of Good Hope (Mr. Courtenay) had certainly discharged his duty to that colony with much ability. If he could think that the proposed duty could prove injurious to that important colony, he should feel very great difficulty and hesitation in consenting to its imposition. He believed, indeed, that its effect, like that of every change affecting commerce, would be a temporary shock to the wine-growers of the Cape; but he was confident that it would produce no permanent injury to them. It appeared, from the statement of a gentleman who had been sent out for the purpose of observing the condition of the several interests at the Cape, that the wine-trade was in by far a worse condition than any other class. It did not seem to him desirable to maintain by a tax a struggling branch of trade, which could not exist without that tax. Was it not much better to check it at once, and to turn the capital employed in it into more productive channels? That capital had long ago reached the *maximum* of profit which it could attain, except by the adulteration of other wines. He did not think that any one could suppose that it was right to uphold a trade for the poisoning of his Majesty's subjects. For one bottle of Cape wine, sold as such, there were twenty disposed of in making up an inferior article, which was sold under the name of other wines. The calculations of the right hon. Gentleman opposite, respecting

the difference between our trade with France and that with the Cape of Good Hope, proved the contrary to the inference which that right hon. Gentleman had drawn from it. If any thing could, more than another, show the injuriousness of the policy which discouraged the intercourse between these two great neighbouring countries, France and England, it was the fact which the right hon. Gentleman had announced, that so small and distant a colony traded more with us than France. Nothing would more please him (Lord *Howick*) than the equalization of the duties on wine. He looked upon it as the earnest of a better policy in future, and he was sure that France would imitate the example. If France would follow up what the Minister had now done, so as to free the commerce between the two countries from illiberal restraints, he was sure that our trade with France would as much exceed that with the Cape, as at present our trade with the colony exceeded that with France. With respect to the tax on raw cotton, he thought that his hon. and learned friend opposite, who had that evening manifested so much eloquence and ability, being the first time he addressed the House, had made one mistake. He assured his hon. and learned friend that he had heard his speech with great pleasure, and he hoped that he should now have the honour to renew their intimacy; but he (Mr. *Praed*) had forgotten one fact respecting the duty on raw cotton. The duty had been reduced, not only on printed cottons, but on all kinds of manufactured cottons. And if his hon. friend would consider the subject again, he would find, that the balance of advantages to be derived from that reduction was greatly in favour of the poorer classes. But the tax of one penny per pound upon the raw cotton would be found to fall in a great measure upon the richer classes of consumers, when it was considered how much cotton was employed in manufactures used only by them, in some of which the tax could reach the cotton only by weight, and in the raw state. He would instance the manufactures in which cotton is mixed with silk, and the use of which is confined to the more wealthy. Therefore the tax, which had been removed from the fabrics used only by the poor, was transferred to those which the poor never used. He considered that much better than to have

maintained the oppressive and partial tax for which it was substituted. Another objection had been made on the subject of East-India cottons; but that branch of trade was under the same relative advantages as before, especially when it was considered, that a very small portion of India cottons was re-exported.

Mr. Goulburn meant to have confined himself, had he risen earlier in the evening, to the simple expression of his satisfaction at the announcement of the noble Lord's intention to abandon the proposed duty on transfers. He thought it was for the national honour that a measure should not be persevered in, which militated against public faith with the national creditor. It was satisfactory to reflect, that when the tendency of that tax was pointed out to the Government, it was withdrawn. But he could not conceal his regret, that such a proposition had ever been submitted, especially at the time when the Government ought to have power and strength equal to the maintenance of our institutions under the pressure of great difficulties. He thought it lamentable that the Government should have so much weakened itself, as it must have done by proposing a measure calculated to destroy the confidence of the public creditor. His regret was enhanced by the line of conduct taken by the noble Lord in announcing his changed intention. He begged to assure the noble Lord, that he did not think him actuated by any dishonourable intentions towards the public creditor; but the right hon. Baronet who sat by the noble Lord, had not disclaimed for himself such intentions. He defended the imposition of the tax upon very different grounds. He defended the injustice of that impost, because injustice had been done on other occasions. Because injustice had been done to one class of sufferers in the several alterations of the currency, the right hon. Baronet thought, whatever injustice might now be done to another class of sufferers was justifiable by those precedents. He would not go into a discussion with the right hon. Baronet respecting the alteration of the currency in 1797, nor the return to cash payments in the year 1819. But when the right hon. Baronet dwelt on the injustice of the measures of 1797 and 1819, he (Mr. Goulburn) thought the right hon. Baronet would have been the last person in that House to advocate

similar injustice. When he saw, in his own mind, the consequences of the measures to which he had referred, he would perceive the necessity of refraining from injustice of so destructive a tendency. But there was a great difference between the Act of 1819 and the tax upon transfers. The return to cash payments was written as clearly in the contract between the nation and its creditors as was the proposed tax forbidden. However, he was thankful to the Ministers that they had been influenced by the alarm which they saw excited by the announcement of the intended tax, though the House and the country must regret that the proposition had ever been introduced. He had one further observation to offer to the right hon. Baronet. The right hon. Baronet had attempted to base the duty on the transfer of stock on the authority of Mr. Pitt; and the noble Lord had made a similar attempt on the night when he first proposed it. To rescue Mr. Pitt from such an imputation, he would refer to the Debates of 1803, when the tax upon income became strictly a property-tax. On that occasion, Lord Sidmouth had proposed to exempt property under 100*l.* a-year from duty, with the exception of landed property, and property in the Funds. But did Mr. Pitt agree to the proposition? No. On the contrary, he had said that, if any description of property were to be exempted from the tax, it must be funded property. Again, Mr. Pitt had said, that he did not understand the grounds of exclusive taxation. The measure was, with respect to the Funds—a breach of the principle on which all loans were contracted for; and what its effect upon future loans might be, he could not pretend to say. In summing up, the same right hon. Gentleman had deprecated it as a breach of public faith, calculated to strike a blow at the credit of the country, by overturning the principle recognized in every loan. Some people went so far as to say, that no tax should have been laid upon income, but all agreed that the public creditor should not be placed in a worse condition than he stood in when he made the bargain with Government. So much for the authority of Mr. Pitt, which was directly in the teeth of the proceeding he was supposed to have favoured. He agreed with the hon. Baronet, that the time to discuss the measures of the noble Lord would be, when their details were brought before the House;

but he would then make one general observation. He approved of the principle of taking off taxes which pressed upon those interests that were suffering, and laying them on others which were more equal to the burthen. But the objection which had been already made that evening was, that they did press equally on the poor and upon the rich. That was the whole tenour of the speech of the right hon. Gentleman, which had been so justly honoured by the noble Lord. He had said, that the duty on raw cotton would press upon the poor; on which the noble Lord remarked, that the Gentleman had failed in his argument respecting raw cottons, because the duty on printed cottons would principally be paid by the rich. But was it not the fact, that the duty on the raw material would press mostly on the poor? Was there any material, a tax on which would more extensively affect the comforts and necessities of the poor? Much of the clothing of the men was made from it, as well as the principal clothing of their children and their wives, who wore scarcely a garment of any other material. But the great objection to the noble Lord's plan was, that, whether it might prove successful or not in relieving the poor, it seemed, at least, to be extremely anti-colonial. It would seem, that whilst relieving the distress of their subjects at home, the Ministers were forgetful of their subjects abroad. An hon. Gentleman had told the House (and he had no doubt that it was true) that the duties on cotton would act as a prohibition on importing cotton from India, a country, efforts to improve the condition, promote the happiness, and extend the civilization of which, were persevered in, at much expense and labour, by those in whose hands its government was placed. It had been said by his right hon. friend, that our trade with the colony at the Cape of Good Hope would be ruined by the duties on its wines; upon which the noble Lord (Lord Howick) alleges the distressed condition of that trade as a reason for increasing its burthens. But the injuries to be effected by the noble Lord's plans were not to be confined to India and the Cape, they would extend to Canada, by encouraging the importation of timber from other countries, to the prejudice of that colony. He was sure that measure would give considerable dissatisfaction. He knew not, however, whether on in-

quiry, such would appear the probable results; but if an inquiry would lead to that conclusion, he trusted that they would induce the noble Lord to abandon, or the House to reject, those measures. He hoped the noble Lord would not, for the sake of popularity—or, he would not say popularity—but favour, by relieving distress in this country, transfer it to distant parts of the empire, which had an equal claim on the protection and care of the Government with the parts nearer home. There was another great objection to the noble Lord's plan—that it did not comprehend any provision for the reduction of the National Debt, and that no surplus revenue was provided, should any occasion for extraordinary expense arise before the end of the year. An hon. Gent. had complained, that he (Mr. Goulburn) had not left a sufficient surplus at the close of the last year; but the fact was, that he had laid on the Table papers, in which it was made clear, that there would be, at the close of the year 1830, a surplus of 2,600,000*l*. He had entered Office with the determination always to adhere to the Resolution agreed to by the House in 1827, to the effect, that the Minister should always reserve a surplus revenue of three millions, to avoid the necessity of incurring a debt, in case of an occasion occurring for increased expenditure. He therefore had calculated, that at the end of 1830, he should have had a surplus of 2,600,000*l*. He had told the House, indeed, that at the end of the year 1831, he might not have a surplus of that amount; but he expected to have additional resources available at that time; first, by the reduction of the four per cents, which would have lessened the expenditure by 700,000*l*.; and secondly, he expected an increase of revenue from the increased consumption of malt; and a similar result, from the increase of other kinds of consumption; and he stated, what was more important, that if the Members of the late Government had remained in their places, they would have been able to effect reductions to the amount of 500,000*l*.; and when an objection was made by the right hon. Baronet opposite, who was then on the side in which he (Mr. Goulburn) now stood, he (Mr. Goulburn) replied, that if his calculations did not prove to be correct, the House would be called on to reconsider the subject. He thought, that, in estimating the effect of the proposed reductions, the

noble Lord had gone far beyond what any experience of the past could justify, and, he feared, far beyond what would be justified by the result, especially should there arise, as seemed possible, an additional charge, for which the noble Lord had made no provision. If he was not mistaken, such would be the case; and he looked with great pain to the prospect of the noble Lord's being under the necessity of applying, at the end of the year, to borrow a sum of money to meet the exigency for which he ought to have provided in time. He assured the noble Lord, that he was not disposed to offer unnecessary opposition to his measures, but he felt it his duty to explain his opinion, when the noble Lord acted on the principle directly opposed to that which he considered the correct and safe one.

Sir *James Graham* conceived, that he had steadily guarded himself from being so misconceived as he seemed to have been by the right hon. Gentleman who had last addressed the House. He had not referred to past instances of injustice for precedents to support additional injustice. He had said, that he considered the transfer-tax a just one, and defensible, with respect to the Funds, on the same principle as the property-tax had been extended to them. But, at the same time that he did contend that the tax on transfers was just, he said, that although injustice had been heaped on debtor and creditor from 1797 to 1819, and since; yet, as long as he had the honour of holding a place in his Majesty's Councils, he would not countenance any measure, of the justice of which he was not fully convinced.

Sir *T. Acland* said, that he was far better pleased to receive the surrender of the transfer tax from the hands of the Ministers, as a boon, than to have it wrested from them by a division. With respect to the reductions which the noble Lord had proposed, he considered that every thing which had been said concerning them tended to prove, that however they might be misrepresented by some persons out of that House, never did more cordial pleasure thrill through the breasts of its Members, than when they could, consistently with the safety of the country, and the maintenance of the institutions, relieve any portion of the distresses of the people. He had been particularly grieved to hear it said, that the shipping interest

would be injuriously affected by the measures of the noble Lord, from which he was sure the shipping would find increased employment, through the improvement that would ensue in the coasting trade. He considered that the mode chosen for levying a tax upon steam-boats, in the shape of a poll-tax upon the passengers, was taking an extremely incorrect and obnoxious mode of collecting it. He did not object to taxing those vessels; on the contrary, they ought to pay their share of the general burthens. It was said, that the art of steam-navigation was yet in its infancy, at least, it was the infancy of a giant, well able to bear a large burthen. A tax upon the tonnage of steam vessels, would, however, be much more just, convenient and satisfactory, than the poll-tax proposed. The House, and he was sure the country, could not fail to see that the principle of all those taxes was that of equalization, with the view of putting all the manufactures of the country upon the same footing. As to the duties on timber, he thought they ought to be so regulated as to equalize the price of that which came from the Baltic, and that which came from Canada. By the present mode of measuring timber, that of Norway was almost driven from our markets; and as we had once done Norway an injury, he hoped that on this occasion we should do her ample justice.

Mr. *Spring Rice* observed, that all the remarks which his right hon. friend (Sir *James Graham*) had made, with reference to the proposed transfer duties, now abandoned, were made quite historically. There could not be a greater error than to suppose that the Ministers thought for a moment of being themselves unjust in the imposition of the tax; still less, that they attempted to justify such supposed injustice by the supposed injustice of their predecessors. Such conduct would be as opposite to their general principles as to the particular case under consideration. As the tax had now been abandoned, he should not dwell upon it any further than to say, that any breach of faith with the public creditor, was as far from the minds of the Ministers of the Crown as any idea could be. On the determination to maintain inviolate the faith of the Government with the creditor of the State, there was amongst them no second opinion; and with reference to what had fallen from the hon. Gentlemen

opposite, he must be permitted to say, that not one member of the Government dissented from the principles they laid down; but let it not go forth to the public, that there ever had been, under any circumstances, a declared intention on the part of his Majesty's Government to violate the solemn engagements of the country. On the part of his right hon. friend the member for Armagh, he could not help saying, that it was rather uncandid in him to refer to the surplus of 1830, which he boasted of as being 2,600,000*l.*, the present Government were not dealing with that, they had to deal with the possible surplus of 1831. He was perfectly ready to admit that to ascertain the surplus was not within their reach; neither, with a contemplated reduction of taxes to the amount of 2,700,000*l.* could he look to the strong probability of their having an actual large surplus. The present Government did not attempt to say, that it could reckon upon a surplus of more than 300,000*l.*; what, in fact, it might turn out to be, time alone could determine; but the advisers of the Crown had, at least, the satisfaction of knowing, as well as the right hon. Gentleman, that the resources of the country were not impaired, and that they had the best grounds for calculating that they would be enabled to develop new sources of prosperity. He would not ask his right hon. friend, if the present Ministers had not those resources as much at their command as the late Administration; but referring to the estimates, he thought he had a right to anticipate for his friends near him, a more enlarged revenue than even that which had been attained by the former Administration; and he begged the House to recollect, that the surplus of the present Government was achieved by reduction, and, therefore, he hoped more grateful to the country, and more acceptable to the House, than the surplus of any former Government. It had been affirmed, on the other side of the House, that the whole scheme of his noble friend was anti-colonial—it was no such thing—he denied the fact; the observations of his noble friend did not at all deserve the application of such a term. The hon. member for Armagh said, that it was the duty of the Government to view the colonies as being wholly dependent upon us, and he quite agreed, that, as they were not represented, that House ought to extend to them a larger

sympathy, and a wider benevolence; but still that larger sympathy and that wider benevolence, should be tempered with justice and discretion, and they should not be deterred from a measure which they believed to be just because they might be stigmatized as being anti-colonial. As to the charge of their dealing ungenerously with the colonists at the Cape of Good Hope, he had thus much to observe, that nothing could be more unfounded than the idea that they proposed to put an end to the introduction of Cape wine, because that manufacture was decaying—no such thing, they protected it for a time, and finding that protection unavailing, they gave it up: it was quite a misrepresentation of his noble friend's argument, to torture it into a charge against the Government of abandoning a manufacture because it was in a state of decay. That argument was, that the benevolence of former Governments had failed in producing the good intended. There was benevolence, but it was not a wise benevolence: hence, then, they gave up what was no longer useful, and they threw their arms wide open to the products of a country, the nearest, and one that ought to be the most friendly in Europe. The measure to which he referred, was one step in the march of commercial legislation, saying to neighbouring States, you may do right or wrong, but your errors shall form no example to us—we shall continue to assert and to act upon the principle of justice and enlightened legislation. He next came to the objections to the proposed tax on timber, and here he had the authority of the hon. member for Totness, against that of the hon. member for Armagh. If he was to be told that Government was now pursuing an anti-colonial line of policy, he would ask the hon. member for Armagh to inquire if the present state of the duties was useful to Canada? He would ask him to inquire if the timber trade had proved at all effectual towards the improvement of either wealth or manners in that country. He requested hon. Members to look to the state of that part of Canada where the timber trade chiefly prevailed, and they would find that the condition of the people was anything but in a satisfactory state. So much for the present state of that colony. Let it now be seen what effect a change of system might produce. It was also important to bear in mind, that much

timber came from Canada, which, in fact, was American timber, imported from the United States into Canada. It was still more extraordinary, that much timber imported into this country, from Canada, was not the growth of any part of the American Continent. Timber was actually largely shipped from the Baltic, and, having arrived in Canada, it acquired the character and privileges of Canadian timber. He might be told, indeed, that this argument was against him, as regarded the shipping interest; but here again he might refer to the hon. member for Totness, who had taken a different view of the case. How, then, the Canadians could benefit by having Memel timber unshipped upon their coasts, and reshipped again as Canadian timber, he was at a loss to conceive. He perceived that his right hon. friend appeared to dissent, but he would ask him if he did not know that this sort of intercourse was kept up, even until the present moment. It was—and is a species of fraud which ought and would be put an end to by the duty in future to be imposed. If he might so far separate himself from official connection, and speak as a mere Member of Parliament, he should congratulate his own country on the statement of his noble friend. He should not compare the present with past Budgets, else he might, by the use of the shadows they supplied, make the relief stronger. By the present Budget, considerable assistance was given to the Irish manufactures. One of the changes proposed would, for example, enable the distillers of Belfast to compete with their North British rivals. He defended the original proposition respecting both glass and tobacco; but at the same time observed, that his Majesty's Government had exercised a sound discretion in withdrawing those propositions which did not prove palatable to Parliament. That House was the proper place for submitting measures of taxation, for the purpose of hearing from hon. Gentlemen what their views were upon each distinct proposition, and having it modified according as circumstances might render necessary. He denied that any want of attention to the condition of the country was betrayed; on the contrary, every disposition, he would maintain, had been shewn, to minister to the wants and improve the condition of the people.

Mr. *North* began by observing upon the gross inconsistency which there was, in

the noble Lord's affirming at one time, that he would rather risk a civil war than adopt a single measure in the slightest degree calculated to endanger the Union between England and Ireland, and coming forward, within a few days afterwards, with a tax upon steam-boat passengers. He knew there were some hon. Members of that House who looked with satisfaction upon a prohibition which should have the effect of excluding Irish labourers from this country; but he begged to be allowed to tell those hon. Gentlemen, that such satisfaction was absurd and preposterous. The harvest which those poor men came over to reap was too valuable to admit of their being retained by any such consideration as so small a tax. They might be assured, that those poor men, in spite of all such obstacles, would still find their way across the Channel. Besides, they would feel it as a grievance, and, what was not always the case with Irish grievances, it would be a severe and substantial grievance. This was the measure proposed by the noble Lord, who hoped so sincerely to preserve the union between the two countries. Did he hope, by such a measure, to reconcile the people of Ireland to a connection with this country? There was, however, another part of the scheme which had a reference to Ireland—he alluded to the stamps on newspapers. But a few months ago, the utmost aversion was manifested to an equalization and assimilation of the duties on newspapers in England and Ireland, depriving the Irish newspapers of the comparative advantage they had before possessed. The measure of the noble Lord in the present year would have precisely the same effect that he so loudly deprecated last year, and the same ferment and agitation as before would be excited throughout Ireland. There could be no doubt that the condition of Irish newspaper proprietors would now be much worse than it had been. He sincerely rejoiced at the withdrawal of the transfer duties; and he should certainly have looked upon the proposed duty in the light of a violation of public faith, had it not been for the explanation afforded from the other side. It certainly would have been as gross a violation of public faith as ever had been committed. And how did the noble Lord and his right hon. friends defend it? They said, "We are now doing a wrong, because others before us

have done the same;" though all that had been denied or explained away by the right hon. Baronet and the hon. member for Limerick; but as it stood originally, there could not be imagined a more evident infraction of a contract than that involved in the tax of the noble Lord. In a contract so obvious, could their disregard of it be so remarkable, or their inadvertence so great, as that they could not perceive what any plain man would take to be the plain meaning of plain words? But it was very unimportant to the public, whether what they did was the result of deliberate intention or of ignorance—the effect was exactly the same. The right hon. Baronet, on the other side, had so entirely misconceived the nature of the question, as to suppose that the intended transfer duty was not in direct violation of the express words of an Act of Parliament. No doubt it was a matter of frequent occurrence, that Statutes should be altered or repealed; but the difference between the case of the repeal of an Act of Parliament and the breach of a contract, was just this, that in the latter, the Parliament was acting, not alone in its legislative capacity, but in the situation of a party to a contract, and one wherein it had received a consideration. It was a binding—a contract—and nothing but a contract, and was so understood by all the parties concerned. One argument had been adduced in support of the noble Lord's proposition, which, he believed, was derived from the newspapers—namely, that in the Act in question, relative to the fundholders, the words occur, "every Act to the contrary notwithstanding." From the insertion of these words, it was contended that when this Act was passed, there was no looking forward to other Acts that might subsequently be thought advisable. In reply to this, he would say, however, that there were some of the Acts relating to the fundholders in which these words do not occur; in addition to which he might use another argument, which had been already used by the hon. Member, who represented the city of London, and whose evidence they had, that it was always understood by the fundholders that they should not be liable to this species of taxation. The arguments on the other side of the House appeared to be this: "Pitt encroached a little, and we are, therefore, justified in a similar encroachment." The only way of getting rid of the obstacle to that duty

which those Acts presented, was furnished by following the example of one of the characters in the Tale of a Tub. There the will of the father, under which the three brothers derived, prohibited their use of any fantastical ornaments; they were bound to wear a plain coat; however, when shoulder-knots became the fashion, they looked in the will, and found no express restriction; then came gold-lace, and the same result followed; but, at length, they desired silver fringe, and in the twenty-fifth section—the same, be it observed, that the imposers of the tax had to deal with, the twenty-fifth section was as follows:—"I do hereby strictly command, under heavy penalties, that no silver fringe be attached," &c. &c. That was too clear and manifest to be mistaken, and it was found that the only safe course was, to lock up the will in a strong box; and, whenever the Ministers of the Crown contemplated a violation of public faith, all they had to do was, to follow the same course with the Statutes. But now as they were told, that this measure of a transfer-duty was to be abandoned it was important that the abandonment should be understood to have been made out of respect for national faith; for if given up upon any other ground, it would bring with it its own punishment; and Government would, in future, be powerless and impotent to contract further debts. He, therefore, for these, as well as for other reasons, felt bound to require, at the hands of the Government, a distinct recognition of the principle upon which the measure was relinquished—namely, the necessity of being bound by contracts as between the State and the public creditor.

Mr. Charles Grant said, it was rather unfortunate that the speech of the hon. and learned Gentleman had not been delivered that evening before the intention of his noble friend had been announced to the House. It was a very good speech, but it obviously was intended to form part of a debate that was expected, which, unfortunately for the speaker, did not take place. The speech was too late, and, besides, there could be no speech less calculated to conciliate the House—none more formed to excite angry feelings between the two countries—no speech more calculated, though without any intention on the part of the hon. and learned Gentleman, to excite feelings which no true patriot would desire to see called into

activity. He certainly would not follow the hon. and learned Gentleman through the whole course of his observations, but he must take the liberty of complaining of the something more than insinuations which he threw out against the candour and honesty of his noble friend, when every other Gentleman who took a part in the debate, bore testimony to that candour and honesty in the warmest terms—there was not a man in or out of the House who, speaking of the subject, did not express the fullest confidence in that candour and integrity. Something had been said of declamation—how far the speech they had just heard should or should not be considered altogether declamation, the House must decide. As to what the hon. and learned Gentleman had said about a violation of public faith, he thought he had a right to complain of the insinuation so conveyed, and he did so, “more in sorrow than in anger.” The present Government never contemplated any proceeding that could be justly open to the charge of being a breach of public faith. The hon. and learned Gentleman, however, had taken up a position, in which he could not allow him to remain, without shewing its incorrectness. He had asserted, that this proposal was not intended to be withdrawn by Ministers, until they were convinced that it was a violation of the public faith. He complained that any hon. Gentleman in the House should deliberately inform the public, that the Ministers had sanctioned a measure without a conviction that it was consistent with the public faith; and he must also protest against the conclusion, that withdrawing it, was a confession that they had been guilty of a want of integrity. The Budget was laid before Parliament, as all such statements were, for the purpose of ascertaining the sense of the House, and of obtaining information from various quarters. It was the duty of Government to propose what it thought to be right, and submit to the judgment of the House as to the expediency or the in expediency of adopting such propositions. This had been the principle on all former occasions; it had been the principle in the case of Mr. Pitt, and it was his firm conviction, that nothing had been proposed of which an honest man had need to be ashamed. It was the duty of the Ministers, feeling that their

intentions were consistent with the public faith, to submit their opinions for the approval of the House. It was the duty of the Ministers to observe the impression made upon the House and the country; he therefore trusted, that by pursuing that course, they had entitled themselves to the approbation of both. The hon. and learned Gentleman had addressed himself to two particular topics: the first of these was the Steam Passengers' tax. Much might be said as to the necessity of encouraging the intercourse between the two countries; but the hon. and learned Gentleman had himself answered his own charge, because he had stated, that the tax now proposed would not prevent the influx of Irishmen. If the hon. Gentleman believed that English gentlemen wished, by direct legislation, to increase the miseries and oppression of Ireland, he was totally mistaken. He had not expected to have heard an insinuation that the interests of Ireland were forgotten or neglected by English gentlemen. He regretted that such an insinuation should have come from such a quarter. He verily believed, that no class of persons were more heartily interested in the prosperity of Ireland than the gentlemen of England. How often, and to his knowledge, had committees of that House sat day after day, inquiring into the condition of the peasantry of Ireland, and making themselves acquainted with the daily life and ordinary habits of that people. He therefore repelled the accusation, and he trusted that the Irish people would not believe it, in the face of the strong manner in which the English Members of that House had manifested their sympathy with the sufferings of the Irish people [*cries of “No, no!” from O’Gorman Mahon, replied to by cheers from various parts of the House; the hon. member however, repeated his denial*]. He confessed he was sorry to hear the sentiments of the hon. and learned Gentleman (Mr. North) echoed from that (the Ministerial) side of the House; and he did hope that, notwithstanding the unfavourable interpretation put upon the conduct of Ministers by the hon. and learned Gentleman opposite, the House would bear them out in the assertion, that they had done nothing to serve one country at the expense of the other. The hon. and learned Gentleman had told them, that last year it was proposed to raise the Irish newspaper-stamp-duties; but

why could he not have left that question as it was? The present Government had not so much as alluded to that measure. On the contrary, they had preserved a most religious silence with respect to it. Why, then, had the hon. and learned Gentleman, in the warmth of his *not* declamation, raked up this matter? Why, after working on the feelings of the Irish against the present Government, had he forbade them flying for refuge to the last Government? The last Government would have actually increased that duty; the present Government, on the contrary, left it as it was. Where, then, was the cause of complaint? Where was the cause of dissatisfaction? But he supposed that here they were to find the reciprocity of the hon. and learned Gentleman; for his complaint was, not that the Government was going to raise the Irish duty, nor even that it was going to equalise the duties. The duties levied in Ireland were now lower than those levied in England. It was proposed to approximate them; and this was to be made matter of complaint! It was a great grievance for Ireland, forsooth, that she was left with lower duties than England.

Mr. *George Robinson* said, that in his opinion, the noble Lord proposed to hazard the interests of the Cape of Good Hope and Canada, without making sure of reaping any advantage from France or Norway, whose commerce would be benefitted by the proposed alteration. Had France shown the slightest disposition towards reciprocity since we had withdrawn a portion of the duty on her wines? Had she not, on the contrary, persevered most resolutely in her former rule of commerce? He, therefore, contended, that this country would do better to remain in its present situation till France manifested a disposition to reciprocate with us [*loud coughing and talking*]. If he was not to be heard, after all the declamation that had been delivered that night, he would assert his privilege, and move the Adjournment of the Debate. He thought the hon. member for Limerick (Mr. Rice) had failed in his defence of the noble Lord's statement; for his argument seemed to be, that they ought to abandon the colonies in their difficulties, and trust to the chance of other countries. At present, the kingdom of Portugal took our manufactures to the amount of 2,000,000*l.* sterling, at a duty

of fifteen per cent less than the manufactures of any other country; that kingdom also took from Newfoundland a large portion of the fish, which was the staple commodity of that colony. Now he would ask, was it not likely that Portugal, in answer to the proposed alteration of the noble Lord, would assimilate the duties on these imports? He should, therefore, take an opportunity in the Committee to combat the proposed alteration in the duties on Wines and Timber. He would conclude by asking the noble Lord a question; namely—Was it true that the boundary question, between the United States and the English possessions in North America, had been settled by the King of Holland; and if so, how soon was the public to be made aware of the decision?

Mr. *W. Duncombe* agreed with the right hon. Gentleman (Mr. C. Grant) that the hon. and learned Gentleman (Mr. North) was a day after the fair with his speech. If, indeed, the noble Lord had persisted in his measure with respect to the transfer duty on Stock, the speech would have done; but that noble Lord having, with the manliness and consistency which belonged to his character, abandoned the scheme, he could not help thinking that the hon. and learned Gentleman (notwithstanding his speech was prepared beforehand) might have abstained from reciting it. With respect to the repeal of the tax upon Coals, he thought that it would be found of great advantage to the country at large, and particularly to those who were connected with the coast of Yorkshire. The principle by which the noble Lord had declared himself to be actuated was, that of removing taxation as much as possible from the productive industry of the country. A better principle than that was never laid down; and what the noble Lord had done was good; it was only to be wished that he could have gone further. In particular, it was very desirable that the tax on soap should have been lowered, as it was of great importance to the lower classes, both as regarded their cleanliness and their health. The duty on malt could not entirely be taken off, but he thought that a portion of it might be repealed. When the right hon. Gentleman (Mr. C. Grant) had stated, that English Members felt sympathy for the affairs of Ireland, he (Mr. Duncombe) had been surprised to hear that denied by the hon. member for Clare (O'Gorman Ma-

hon). He could, however, assure that hon. Gentleman, that he would never lend himself, directly or indirectly, to any measure which would, like that for the Repeal of the Union, be prejudicial to the interests of Ireland, and disadvantageous to the welfare of both countries. He did not apprehend that such a measure could ever succeed; but he would join the noble Lord in his observation of a former evening, that he would rather embrace the dreadful alternative of a civil war, than submit to so fatal an event as the dismemberment of the empire.

O'Gorman Mahon said, that called upon as he had been by the hon. member for Yorkshire, he could not refrain from addressing the House. He thanked that hon. Member for the sympathy he had professed for that country, of which he (O'Gorman Mahon) was one of the Representatives. The noble Lord, however, had declared, that he would resort to civil war, which certainly was not a mode of diction most complimentary to persons in his situation, when they were expecting sympathy for their country. He was delighted with what had fallen from the hon. and learned member for Drogheda (Mr. North), because he had shown the injustice of the proposed tax on poor Irish labourers coming over to this country in steam-boats, for such was the object of this tax of 2s. 6d. a head on every person who travelled in those conveyances above a certain number of miles. Now he did not suppose that many hon. Members were aware of the geographical position of Ireland, so far as to know that this tax implicated the Irish labourers [*a laugh*]. He did not know why there should be a laugh at that, for it was not so very long ago that the Lord High Chancellor had told them in that House, that he was able to look round and see many who could not count five on their fingers: Why, then, should not he (O'Gorman Mahon) suppose that the particular geographical situation of Ireland was unknown to some hon. Gentlemen? [*cries of "Oh, oh!"*] He thanked them for their "Oh!" It was just with that same cry that Lord Brougham's observation had been received, and he therefore felt highly complimented at being received in the same manner. Another reason why he was pleased with the speech of the hon. and learned member for Drogheda was, that it declared him to be a staunch

anti-Unionist. Never again could the hon. and learned Gentleman raise his voice against the Repeal of the Union; never again could he be a supporter of the Bible Society—so abhorred by Ireland. He had, in the early part of the evening, listened to the cheer which had followed the statement of the Secretary for Ireland, when he declared, that no compromise had taken place with respect to the legal proceedings that had been instituted there. He was glad to hear that no compromise had taken place, for he should have been sorry to see any Government descend to a compromise of any kind. At the same time, he congratulated the men on the other side of the water on their having returned a plea of Guilty, for it was their only resource [*cheers and laughter*]. He expected another cheer when he finished his sentence. He said, that they had no other resource—being prosecuted under a penal Act, which had been designated by the now Ministerial side of that House, by the present Lord High Chancellor, and by the present Premier, as bad, penal, unjust, and unconstitutional: they had no other resource, for they had to deal with a Jury not chosen by the people, but picked out by the Sheriff, how he pleased and where he pleased, this Jury, too, to be backed with the declaration of the noble Lord, that though Mr. O'Connell's speeches always began by recommending peace, they ended with what would bring about rebellion and sedition. Under these circumstances, he again said, that they had only to enter their plea of Guilty, for they could expect no justice after such a declaration, and with a Jury who would not give them fair play [*cries of "Question!"*]. Gentlemen had spoken of the East and West-Indies, and there had been no cry of Question—they had spoken of the difference between a halfpenny and a penny, and there had been no cry of Question—why, then, was Question to be called when he spoke of Ireland—a country that they called their sister, and professed to wish still to be united with? The hon. Gentleman then concluded by contending, that the growth of tobacco in Ireland ought to have full justice allowed it. As he understood the matter, it was to be taxed as seed, and when it was ripe, it would be tithed by the parson. It might happen, that the tax paid to the State, and the tithe paid to the priest, and

the labour the poor man bestowed on the soil would be all that he would reap. That would be the case should the crop fail. And if its seed was to be taxed before it was put into the ground, and the produce of the seed was to be pounced upon by the parson to support a Church which might be considered a blessing here, but which was called a curse in Ireland, it would be in vain to hope that the growth would prosper.

Mr. Attwood contended, that the noble Lord might have proceeded with his tax on the transfer of Stock without any rupture of the public faith. The only question was, whether it was just to put a tax upon funded property which was common to all the other property of the country; and he would ask, whether there was any other property in this country that could be transferred without paying duty? In fact, the stamp-duty, which was a most important portion of the revenue, chiefly arose from the transfer of property; and why should not the funds be available in their due proportion for an object which acted as their own protection? The right hon. Baronet below him (Sir R. Peel) had spoken at great length on this tax being a violation of the national faith, but he had been silent on this topic when many other violations of faith, much more flagrant, had been sanctioned by that House. When that bill was passed by the House the act of 1819, which repeated an injustice of the same character and to the same extent, though upon a different class of persons, as that which was effected by the Restriction Act of 1797, the right hon. Baronet quite forgot the national faith. He then said not one word on the subject. The alteration that made in all money contracts was great, and was admitted at the time to be at least five per cent. The difficulties it had caused could not be estimated; but with the knowledge of those difficulties—which were admitted by Mr. Ricardo, who acknowledged that he had underestimated the depreciation; and which were also admitted by the hon. member for Dorsetshire, who had taken part in promoting that measure, to have been very great, the alteration being at first stated at four per cent, and afterwards at twenty, thirty, or even forty per cent, or even at an amount which was quite uncertain, but the unfortunate consequences of which were still in operation—to that measure the right hon. Baronet did not make one

objection as a violation of the national faith. Let the noble Lord, then, console himself, for his measures did not deserve, on that account, the same amount of condemnation as the measures which had preceded them, and been sanctioned by the right hon. Baronet, who now opposed the measures of the noble Lord. Certainly, he thought the noble Lord's measures, at a period when every thing was in a state of uncertainty; when Europe was in a disturbed state, and discontent prevailed in England, were at least ill-timed. He agreed with the Ministers in their desire to maintain peace, and wished it to be preserved, if that could be done with honour; but it had not been yet discovered that the best way to maintain peace was to be unprepared for war. He trusted that the Ministers, in proclaiming their desire to preserve peace, and their readiness to preserve it at any reasonable sacrifice, would not forget what was due to the honour of the country. He trusted that the noble Lord would weigh well the difficulties of the country abroad, and prepare himself for war, and that the country would be exhibited to the world in such an attitude as to dread no hostility, and be prepared to meet it when it was necessary to maintain our honour and our security. He was sorry to see that the Ministers did not pursue the wise course of adopting an inquiry into the difficulties of the country, and the means of removing them. He was sorry to see them pursuing a course, and introducing measures, which, in the present circumstances of the country, could yield it no benefit, and would produce a great deal of disappointment and mortification, of which they would be the victims. The country required a change of system, and looked for comprehensive measures; and the noble Lord would find himself mistaken if he supposed that a deduction of 300,000*l.* from an expenditure of 50,000,000*l.* would satisfy the country. That, too, was to be attended with the danger of a violation of the national faith, from any defalcation of the revenue; and how was the revenue to be preserved from future defalcations? In the first part of the noble Lord's speech, he spoke as if he had an abundant Exchequer, and had no other object in view than to relieve the industrious people from their burthens; but what a different spectacle did his speech exhibit at the end? At first, he

took off taxes; but at the end he put them on. Then the scene was changed, and he could not but admire the adroitness of the noble Lord, which was not surpassed by that of Mr. Pitt, in finding out and imposing new taxes. What worthless labour was here! What industry thrown away! What toil, without an object! What change, without a motive! A change too, that could not be completed, that was not to be completed, and that could only end in mortification; it could have no beneficial result. The country was against the change of taxes, and it could not be carried into effect; it was against any taxes that were to be put on any part of trade, with which it was the duty of every Government not rashly to meddle. According to the information which he had received, all trade was at a stand. People naturally suspended their operations till they knew what taxes were to be taken off, and what taxes were to be put on. The noble Lord said, he meant to take the tax off glass—did that manufacture, then, labour under any serious oppression? He believed not, nor did he believe that any immediate benefit would result from taking off the tax. It was one of which no individual complained. Glass, it was now expected, was to be exported in large quantities; but that would be at a distant period. The stream of prosperity would not flow quite so fast as the right hon. Member, the Vice-president of the Board of Trade, supposed. But the conduct of the Government was to him extraordinary and inconceivable, for it exposed the cotton manufacture to the same disadvantage from which it relieved glass. There was already a drawback on glass, and this was all that could be given to cotton. The Government had taken the tax off raw silk, not for fiscal purposes, but to encourage the manufacture; and now they impose a tax on cotton, so that one was to be encouraged, and the other discouraged. Ministers were walking in one eternal round of trifling changes, and were sporting with the best interests of the community. The noble Lord had himself admitted that timber was not a fit object for taxation, yet he had increased the tax on timber. Why did he do that? Was it to give employment to our own people? The hon. member for Bridport, who was an authority on this subject, did not think it would have any such effect. He must argue against the political economists,

and against the hon. Member, on another subject. The hon. Member said, that the growth of tobacco ought to be prohibited in Ireland, because it could not be grown without a bounty; but surely, if it could not be grown without a bounty, there was no reason for prohibiting it. In his opinion, it was a strange policy which would not allow the land and labour of the empire to supply the home market. Whether it was the result of fiscal regulations, or of any other, the people were not now free to dispose of their labour and produce. Let them be free to do that, and much of the present clamour would be done away; let, he said, our own markets be opened to the produce of our land and labour. There remained only one other tax on which he should say a few words—that was the tax on steam-passage boats. If that tax were imposed in a time of great emergency, he should protest against it as a most objectionable tax. It would press with more severity on an important branch of our industry than any tax which had been taken off. It was a measure which, in his opinion, was more hostile to sound policy, in the present circumstances of the country, than any which could be conceived. The art of steam-navigation was yet in its infancy, but there could be no doubt that it was destined to become a most important branch of the national wealth, and a powerful arm of war. Hitherto unprotected, but untaxed, it had produced those engaged in it little advantage, and on these accounts it was one of the last things that ought to be subject to a tax. If any branch of national industry deserved, on account of its importance, to be encouraged by a bounty, steam-navigation was that branch; and there was scarcely a Power in Europe which was not giving bounties and encouragements to raise its steam-navigation on a par with ours. America, Russia, France, Holland, were all encouraging that art, and were using all their means to increase this as a means both of traffic and of war, which made it indispensable that we should keep our steam-boats up to the highest possible point. The tax would operate most mischievously in narrowing the market for Irish labourers. He had been informed by an individual at Liverpool, that he brought over 80,000 persons from Ireland in one year, and carried as many as 80,000 back. He knew it was said to be desirable to keep the Irish out of England, but while

the two countries were united, the Legislature had no right to obstruct the Irish in bringing their labour to the English market. There was little demand for it at home, and there was more here than there, and here they had a right to come. This was levying a tax on an object that ought never to be taxed—it was taxing the wages of labour—it was taxing the rags and the potatoes of the poor Irish labourers, and he could describe it in no other terms than as the most oppressive tax that ever entered the head of man. Whom did it affect here? Why, the humble tradesman and his family, who found pleasure, amusement, and health, in escaping by these cheap and easy conveyances from the dense atmosphere and crowded streets of London. It would be better to invent a tax for staying in the metropolis—better to find out some plan for driving away some of the people occasionally, than invent a tax to make them remain here all the year round. These were his views. He considered the measures unworthy of the noble Lord, and not adapted to the state of the country. They would find no recommendation in the public sentiment, none in the desire for economy and retrenchment; they were unworthy to meet the difficulties, and would not secure the support of the country.

Mr. *Shaw* could not refrain from making an observation on what the member for Clare said of Dublin Juries. If the hon. member for Waterford were in the House, he would repudiate the sentiments of the hon. member for Clare, for he had frequently expressed his confidence in a Dublin Jury. Never was there a fairer Jury impanelled than the Dublin Jury, and the hon. member for Clare had cast improper reflections on the character of men with whom he was utterly unacquainted.

Mr. *Hunt* said, he had waited now nearly five hours, with great patience, in listening to a discussion upon the subject of what the right hon. the Chancellor of the Exchequer had given up within five minutes after he had entered the House. Within those walls, a discussion on the necessity of keeping up the public faith, as it had been termed, was perhaps very amusing or interesting; but he would assure them, that out of doors, no such anxiety on this subject existed, and they might have tossed up for the right to invade or preserve it, and settled the question in five minutes, without exciting any

great sensation in the public. Some on his side of the House, and others on the Treasury side of the House, had expressed their anxiety that the public faith should be preserved; yet, after all they had said, it was clear they were prepared to go a great way in the changes proposed by the noble Lord; and what, after all, was this but a violation of the public faith? Before he had the honour of a seat in that House, he used to imagine that Parliament had amazing powers vested in it; that it could make or unmake, enact or repeal; in fact, that it could make white black, and black white. They might laugh, but he full well recollected something happened very like it on the Currency question, fifteen years ago, when, although it was well known guineas were selling openly at 27*s.* apiece, and the Bank-note was exchanged for no more than 14*s.*, the House of Commons of England voted that the one-pound Bank-note and 1*s.* was fully worth a guinea. The fact, however, was not questioned, that Parliament had the power, and exercised that power, of revising or repealing any law. For his part, he saw no just reason why all the laws should not, as in America, be revised generally every seven years. He could see no just reason why we should legislate for our posterity, or attempt to bind them. He felt the repeal of the coal duties would be received as a boon by the whole country, and more particularly so as it was the first act by which the present Ministry demonstrated its anxiety to extend relief to the poorer classes. The alterations in newspaper duties would carry with them the approbation of every man in that House but one. The removal of the tax from printed calicoes would prove most conducive to the comfortable clothing of the lower classes, but he regretted to find, that by the imposition of 1*d.* per pound duty on the raw material, cotton, an impost of nearly 25 per cent. fell on the poorer classes, while it would be found not to affect the higher more than two or three per cent. As to tobacco, he was, he confessed, glad the right hon. Gentleman had abandoned the idea of taking off the duty upon it, which he considered a very proper tax on a filthy and disgusting habit, now becoming so general, that it was impossible to pass through the streets to the House without having some whiskered dandy whisking the smoke of tobacco in one's face, or enter a stage-coach without being

insulted by the fume of a cigar. Let the lovers of filthy smoking and chewing pay for the dirty luxury. He was glad the tax was to continue. As to the duties on glass, he did not value their reduction at all. They were too inconsiderable to be any relief, and they were not paid by the classes whose interest he was most solicitous about. It was absurd to talk of taking off the duty on glass merely, whilst they continued the tax on windows. This little paring and nibbling might furnish talk, and prove agreeable, perhaps, to the House, but he would tell Ministers, it would never prove satisfactory to the public. Ministers had taken the reins of Government under solemn pledges of reform, economy, and non-intervention. Was he here to attack all Administrations? No. He would do justly by all; and, therefore, he should say, he felt that the last Government had done much for the country in the repeal of the Test and Corporation Acts, the Catholic Relief Bill, and the Repeal of the Beer Bill. God be praised, the day was gone by when the poor man was obliged to pay 10s. a barrel more for his beer than the rich man who brewed it for himself! The discontented petitions said it was of no use—that it would not be felt, nor increase the home brewing; and, lastly, that it would create general drunkenness. What was the fact? He had heard in his tour in Hampshire and Wiltshire that the maltsters could not make malt fast enough to supply the home brewers; and so far from its creating drunkenness—[loud coughing]. He would, if the subject were unpalatable to some Members, move the adjournment before twelve o'clock—[cries of “No, no!” and loud coughing]. If the Members of that House thought to cough him down they calculated erroneously. He thanked the late Ministers for what they had done when in office; but he would ask any man who had watched public opinion, whether the country would be satisfied with what the present Ministers proposed to do for them in the way of alleviating the public burthens? They must, if they hoped to effect any great improvement in the condition of the public, and particularly of the poorer and struggling classes, repeal the house and window-tax, the soap-duties, and levy at once a graduated property-tax, which all would hail with pleasure, except, perhaps, a few land proprietors. If they did not do so, the worthy Gentlemen on this side

of the House would not fail shortly to take the places of the members of Administration, and their resignation would be heard of by the people at large without any sympathy or sorrow. He regretted the attempt to raise an impost on steam, which he denounced as the first attempt of any Ministry to throw positive impediments in the way of the lower classes exerting themselves to the best of their ability in procuring for themselves a livelihood. It was impossible to say that a Government adopting such a line of conduct had the interest of the labouring classes at heart. Indeed, the public had already taken its stand in some places; for instance, at a meeting in a part of Sussex, when Sir Godfrey Webster was in the Chair, it was resolved not to pay any taxes till some relief from taxation had been obtained—[A violent coughing, and cries of “Question, question!”] He said, as he could not be heard, he would not hesitate any longer to put the question of adjournment.

The Motion being formally made, amidst loud manifestations of dissatisfaction, the Speaker inquired if any one seconded it?

Mr. Warburton rose and seconded it. He admitted, that the hon. Member had been heard through a great part of his speech, but as he was interrupted at the close, he felt bound to second the Motion, and under similar circumstances he would always do the same.

Sir Joseph Yorke observed, that if this very inconvenient mode were to be adopted every night, to the great interruption of the public business, it would be necessary to make a very material alteration in the Standing Order, so as to ensure the public business being done.

Mr. Hunt said, he perceived the Motion was not in accordance with the feelings of the majority, and he, therefore, begged leave of the House to withdraw his Motion.

The Speaker informed the hon. Member that he might do so, with the permission of the House, but he could not again speak.

Lord Althorp suggested, as the House occasionally permitted deviations from its rules that it should then hear out the hon. Member.

The Speaker stated, that it was of course quite competent for the House to decide on hearing him again if they were so inclined, notwithstanding any rule or order which might otherwise render such a proceeding irregular and inadmissible.

Mr. *Hunt* then concluded his speech on the original question, by stating, that after what he had heard from the noble Lord, and the right hon. the Speaker, it would not be agreeable to his feelings to act pertinaciously, and detain the House further.

The question was then put that the report be brought up.

PORTUGUESE WINES AND ENGLISH WOOLLENS.] Mr. *Herries* said, he did not mean to delay the House by entering upon the various topics which had been urged in the course of this discussion, but he rose merely for the purpose of asking some information from the noble Lord opposite on a question upon which, after the noble Lord's speech on a former night, it was necessary that some information should be conveyed to the public. The noble Lord had stated, it was part of his purpose to equalise the duties on Portuguese, Spanish, and other wines; but he had not made any observation, or given any communication of facts, as to the proceedings, if any, which had taken place, to enable this country to dispense with that article of the treaty with the kingdom of Portugal which prohibited or prevented the proposed system of equalisation. In asking this question, he did not mean to pronounce any opinion upon the policy of the measure, or to offer any opinion whatever upon the propositions of his Majesty's Government at this stage of the proceeding; but it had been suggested to him, from several quarters, that there was a deep interest felt by many persons connected with the trade between this country and Portugal, which made it desirable that some information should be furnished, and that it should be distinctly communicated to the public, whether that provision of the Methuen Treaty which related to the admission of our woollen commodities into Portugal, and the reception of Portuguese wines here, did or did not offer any bar to the proposed arrangement. A deep interest prevailed upon this subject. The House was no doubt acquainted with the circumstances to which he alluded. The Methuen Treaty had reference specifically to the wines of Portugal being admitted into this country, and the woollens of this country being admitted into Portugal. The House also knew that in a treaty of 1810 was contained an article, declaring, that the articles of all former treaties should be subject to revision, and that that par-

ticular article should be continued, in the words of the article, "for the present." In the same article, also, there was a provision that, in fifteen years from the date of that treaty, either party should be at liberty to call for a revision of the articles of the treaty. It had been always understood by the Government of this country, that, after the expiration of those fifteen years (which took place in 1825), we should be at liberty to give an intimation to the Crown of Portugal that we intended to revise the treaty, and, consequently, that it was in our power to take the necessary steps for the purpose. He merely asked, on the present occasion, for this information—whether any steps had been taken, and what, consistently with these treaties, to enable the House, instantler, to adopt the equalisation which the Government proposed?

Viscount *Palmerston* said, in answer to the question of the right hon. Gentleman, that no steps of the kind alluded to had been taken, because none such were necessary in order to place this country in a condition to adopt the equalisation of the duty on wines, which his noble friend had proposed; and if the right hon. Gentleman would look more attentively into the treaties than, perhaps, he had done, he would see that the fact was so. The treaties could be easily explained in a few words. By the treaty of 1703, a reciprocal engagement was entered into between Portugal and England, that Portugal should abstain from prohibiting, as she had heretofore done, the woollen cloths of England, but on condition that England should permit the importation of Portuguese wines at one-third less duty than the wines of other countries—provided always, that if England should vary that duty, it should be competent to Portugal to deal with our woollen goods as she should see fit. That was the stipulation of the Treaty of Methuen, which left it optional with this country to alter the duties on wines, leaving, as he said, to Portugal a right to deal with English woollens according to her discretion. The treaty of 1810 provided, that the stipulations of the treaty of 1703, relative to Portuguese wines and English woollens, should remain unaltered. He apprehended that they did remain unaltered, and therefore, that the option reserved by the treaty of 1703 remained undestroyed by the treaty of 1810. There was a subsequent article in the

treaty of 1810, which said, that after the expiration of fifteen years, it should be competent to either party to propose an alteration of the stipulations; but, if the view which he took of them was correct, no alteration was necessary, and this country was perfectly at liberty to adopt the measure which had been proposed.

Mr. *Herries* said, that the measure, then, was to be adopted, subject to the understanding, that Portugal would prohibit our woollen goods.—[Some Members exclaimed “might,” not “would.”] Well, Portugal might, and, as a consequence, would, prohibit them. As to the information which he had sought, the answer of the noble Lord was perfectly explicit.

ARBITRATION BETWEEN ENGLAND AND AMERICA.] In answer to a question from Mr. G. Robinson, Viscount *Palmerston* said, that the King of the Netherlands had given a decision upon the point at issue between England and the United States of America, and that decision was now on its way to the President of the United States. He did not know that it was proposed by his Majesty's Ministers to lay that decision before the House. If any hon. Member had a motion to make on the subject, it was competent to him to do so.

The Report was brought up, and Resolutions agreed to.

SMUGGLING IN IRELAND.] Lord *Althorp* moved for leave to bring in a Bill for the better prevention of the smuggling of Whiskey and Malt in Ireland. The noble Lord observed, that offences against the revenue ought rather to be punished by penalties, in the shape of fine, than proceeded against as misdemeanours, as they were at present. The law now in operation had also another defect;—these offences could only be dealt with in the higher Courts whereas he wished to make them liable to be tried at the Petty Sessions.—Leave given.

GENERAL FAST.] Mr. *Perceval* said, he was quite confident the House would think that hardly any individual could stand more in need of their indulgence than he did in the task which he had undertaken. He could sincerely assure the House, that it was only an imperative sense of duty to his God and to his country which could induce him to rise and

bring forward the subject to which he now begged humbly to call attention. He felt that he was perfectly unfit to engage the attention of the House to it in the manner that the occasion merited, or to enforce, by any powers of his own, things to which he wished to call their notice. He had neither strength, nor talent, nor personal character sufficient to claim the respect of the House. He had but one claim to their attention, but that was one which he had not often found to fail—he meant the name which he had the honour to bear. That name was his greatest earthly treasure, his highest earthly boast. However unworthy he might be to introduce a subject of such deep importance as that to which he was proceeding, he felt that no individual within those walls was so completely the debtor of his country as he was. He was the mere child and creature of this nation's bounty; for if it were not for the munificence of Parliament, and for the still greater bounty of the Sovereign, who augmented that munificence, he should not be in a situation to address the House upon any subject whatever. He felt, therefore, that if he was convinced of danger to the country—if he was persuaded that for her there was one, and but one, deliverance open and apparent of which she could ever possibly avail herself, he should be baser than the basest thing we tread upon if he suffered any unworthy motive of fear, because his motion was not of such a nature as to be palatable to the House—because it was not a common measure, and such as others would readily undertake—if he should, although feeling that danger existed, and being convinced that there was safety in but one way, suffer himself to be deterred, by any cowardly or even modest feeling, from endeavouring to point out the path of safety. The motion which he was about to submit to the House was not suggested by the immediate pressure of the circumstances by which the country was at this moment agitated; it had been uppermost in his heart and mind for two years. He had looked to those quarters from whence such measures were wont to proceed, but he had looked in vain. Having heard that others were striving to induce the Crown to adopt the measure for which he was now about to propose an Address to the Throne, he had postponed his motion till the last moment, and it was not until

the very day before the Recess that he gave his notice. He was convinced that the whole of this country was in a state of disorganization—that all the elements of society were loose and disjointed. There was no contentment in the land—no attachment to the rulers of the land. There was no bond of mutual confidence between different classes of men—there was no attachment between the employer and the employed; on the contrary, there was mutual mistrust, mutual fear, and mutual and gross deception. The institutions which were wont to be the boast of our ancestors were growing into objects of hatred and aversion in many instances. Iniquity was rife and rampant in the land. And, besides these signs of a decaying and corrupt State, there were other tokens of approaching evil. There was the probability of wars and tumults, which caused sober men to look to the great Ruler of all human events, and to bethink themselves how they stood before Him who ruleth as He wills. In his opinion, the sword was going forth through the whole land, and great troubles, and great struggles, and great convulsions were about to take place, and were inevitable, unless they were averted by that Being whose mercy was boundless. This, therefore, he said, was the season for humiliation and intercession for mercy, and confession of sins. Such was his sincere conviction; and, if he erred in it, he erred with many who were able and observant men. The hon. Member then read several extracts from different works, in order to show the increasing depravity of the times, and the consequent necessity of divine interference to prevent it—"to thee, O God," exclaimed the hon. Member, "I call aloud; to thee, oh God! who hast so often protected this nation and this people, that thou wouldst be pleased to do the work of mercy unto guilty men and wretched sinners in thine own good time." It was said by too many persons in the present degenerate days, that there ought to be no connection between religion and politics; that all religion should be banished from discussion in that House, and all politics from the pulpit. This notion was gaining ground with too much rapidity, and therefore it was that he wished to address the House on a subject so vitally important as the present to all their dearest interests. The notion itself was conceived in the true spirit of the liberals and infidels abroad.

Yes, it was conceived in that spirit which struck out from the title of the present King of France the words "by the grace of God." It was conceived in the spirit of those men who had taken into pay the teachers of the Jewish religion. This spirit was the very essence of liberalism. In all the acts of our forefathers, religion formed the grand basis. It was the foundation of all public proceedings, from the crowning of the Sovereign down to the most minute occurrence in ordinary life! Yes; from the crowning of the Sovereign by the Bishops of the Church of Christ, down to the most minute acts, and again up to the proceedings of Parliament, where as we now met, our forefathers had met in other days, and had sworn to maintain the Protestant religion on the faith of those Gospels which were now attempted to be removed from the Table [alluding as was understood, to the motion for the repeal of the Oath of Abjuration]. The hon. Member next read an extract from an address by Lord Bacon to Queen Elizabeth, containing these words, "The King who holds not religion, is void of all piety and justice." He next read an extract from the first speech of Elizabeth, earnestly enjoining upon the Legislature and the people, the practice of religion and virtue. "The French," said the hon. Member, "have struck out the words 'by the grace of God,' and put in blasphemously the words 'by the sovereign people,' in the title of the King to the Throne. If we turn from God as the French have done, God will turn from us, and give us up to our own ways most assuredly, and of a verity this was the case with the French, when they took a prostitute from the streets, and worshipped her as an idol. The French forsook their God, and God gave them up to the devil." The hon. Member then proceeded to read extracts from some periodical publications, contending, that though they professed to be the great enlighteners of the times, yet that the men of the present generation were but mere pigmies in wisdom compared with their ancestors. According to one of these publications, he observed, that Protestant Governments and Christian Governments now meant just as much as Protestant Cookery, or Christian Horsemanship. In such a state of things, he maintained it to be the duty of all men, who were not led away by the horrible

spirit of infidelity, to implore the Deity to avert his judgment from the land. If no peace, no quiet, no content, were to be found in the land—and if the spirit of Atheism was found to extend itself in all directions, the consequence would be, that we must speedily tumble down to a state of utter ruin and desolation, and that at a moment when we least expected it. If the people of England were in a miserable and distracted state, he would ask, could there be any stronger motive than this for humiliation and penitence before the throne of the Almighty? His own firm belief was, that the safety and prosperity of the land was closely bound up with the Established Church of the land. Of late years he had observed, with great satisfaction, an increasing improvement among all ranks of the Clergy, but too many of their predecessors had been led away by a false spirit, and if corruption had prevailed among all classes, —if the sacred duties of the Sabbath were neglected—the heavy responsibility must rest with these men, to whom the best interests of education had been intrusted at the period to which he had referred. He would appeal to the House, whether it was unbecoming in any body of Christian men to agree to such a motion as that which he had now to submit? During a long interval of peace they had neglected to do that which their ancestors had frequently done—namely, to address the Crown to appoint a day for a general humiliation and thanksgiving. He was aware that the objection likely to be urged against him was, that a motion of this nature ought to emanate from the Privy Council, and not from an ordinary Member of the Legislature. He admitted that such had always been the usage in former times, but as he found with pain that it had long ceased to be observed, he felt himself called upon to undertake what he considered a sacred duty, however incompetent he was to discharge it with effect. In justice, however, to his Majesty's Ministers, he must say, that having seen what they had already done in directing a certain Form of Prayer to be composed and distributed throughout the land, they had entitled themselves to his most cordial thanks. They also deserved entire approbation for the firm and decisive conduct they had adopted with regard to Ireland—conduct which was already attended with the most favour-

able effects. They had in this respect obeyed the injunction of Him who said, "Ask, and you shall receive." His Majesty's Ministers had asked for wisdom, and they had received it. He had now only most earnestly to entreat the House, that if there should be any thing odd, either in the tone or manner of any hon. Member who should lend him his support on this occasion, they would, in consideration of the solemn and sacred character of the subject, forbear from displaying the slightest appearance of levity. The hon. Member, in conclusion, moved, "That an humble Address be presented to his Majesty, praying that he may be graciously pleased to issue a Royal Proclamation appointing a day to be set apart for national humiliation and prayer to Almighty God, to avert, with his mercy, those evils which we have deserved, and bless the consultations of this House for the good of his Church: and also praying his Majesty that he may be pleased to direct a Collection to be made in all the Churches for the Poor."

Mr. *H. Hughes* seconded the Motion. The hon. Member said, that at that late hour he would not trespass on the time of the House, lest he might detract from the arguments of the hon. Member. He was satisfied that the country would honour him for the manner in which he had brought this question forward.

Lord *Althorp* said, that no one could have listened to the speech of the hon. Gentleman without admiring the feeling with which the Motion had been brought forward—a feeling, indeed, not merely displayed in the speech, but which must have existed in his mind, to induce him to submit it to the House, and for which he was entitled to respect. Having said this, he would, however, submit to the hon. Gentleman, whether, as he himself had intimated towards the close of his remarks, the subject was one which could be advantageously discussed in a popular assembly like the House of Commons? He thought such a subject as the one in question was properly one which should be left to the King in Council. He was aware that the Motion was not unprecedented—for there were precedents to be found, though these occurred a long time ago—yet he thought that he should not be fulfilling his duty, if he did not press upon the House not to discuss this question. He hoped that the discussion upon it

would extend no further. He did not stand up to give a negative to the question, but he was anxious that it should be got rid of, by the House consenting to the previous question, which he would then move.

Mr. *Perceval* expressed his thanks for the respectful manner in which his motion had been listened to by the House, and in the manner it had been treated by the noble Lord, and then signified his intention of not dividing the House.

The Previous Question carried.

PROPOSED ADJOURNMENT.] Mr. *Hunt* rose to move an adjournment of the House (it being after one), saying, that he had pledged himself to move an adjournment if the House should sit beyond midnight, and proceed to take new business.

The *Speaker*—Who seconds the Motion?

Mr. *Hunt*—I have not asked any hon. Member to second it.

The *Speaker*—The House cannot entertain any motion that is not seconded.

Mr. *Hunt*—I have kept my word, Sir, in moving the adjournment, and have nothing more to urge.

The House accordingly proceeded with some routine business.

HOUSE OF LORDS,

Tuesday, Feb. 15, 1831.

MINUTES.] Petitions presented. By Viscount GODERICH, from the Commercial Society of Galway for an extension of the Franchise of that place. By the Bishop of LINCOLN, from several places in Lincolnshire, for the Abolition of Slavery.

[The Reverend Prelate, in presenting these Petitions, begged leave to give it as his opinion, that moral and religious habits should be inculcated among the slave population of the Colonies before a measure for their unqualified emancipation was attempted.]

For Parliamentary Reform, by the Earl of ROSEBURY, from Musselburgh :—By Lord DACRE, from Bishop Stortford :—By Lord KING, from Nottingham, from the Union of the Working Classes at Manchester, and from Kidderminster. By Lord DACRE, from Spilsby, Lincolnshire, against the Duty on Fire Insurances. By Lord KING, from Parishes in Glamorgan, Somerset, and Gloucester shires, against Tithes; and from St. James's, Clerkenwell, for an alteration in the Corn-laws. For the Repeal of the Duty on Sea-borne Coals, by Earl MORLEY, from East Stonehouse :—By the Earl of ESSEX, from Bishop's-Stortford and Spilsby. By Lord WYNFORD, from a number of persons living on the Western Coast of Galway, for Protection to the Kelp Manufacture.

PARLIAMENTARY REFORM.] The Earl of Radnor presented a Petition, signed by 21,000 persons of the town of Birming-

ham, praying for Reform. He said this petition was got up at a most numerous, intelligent, and respectable meeting, where the subject was ably and sufficiently discussed. He could not avoid noticing the great change which had taken place in Birmingham since the Church and King mobs, about the year 1793, which he was old enough to remember. The people were now comparatively enlightened and instructed; they had amongst them reading societies and institutions; and though they had frequently been visited by severe distress, they had been guilty of no outrages. On this account he said, that the sentiments expressed in that petition were well worthy of their Lordships' attention. He agreed with it in every respect, the more particularly in that which recommended the Vote by Ballot, as he was convinced a slight Reform, accompanied by a ballot, would be more acceptable to the people than a more general Reform without it. The people thought Reform was their right, and, therefore, they called their prayer to the House a petition of rights.

Lord *Calthorpe* bore testimony to the respectability and intelligence of the petitioners, and supported the prayer of their petition. Any reform would be very imperfect, which did not embrace the town of Birmingham, but he believed that his Majesty's Ministers contemplated at least including that in their scheme. The progress of public opinion on the subject of Reform had been such, that it would no longer be safe to withhold it.

THE BANKRUPT LAWS.] The Lord Chancellor said, he had the honour to present a Petition, to which he requested their Lordships' particular attention, as far as regarded the prayer of it, and the body of men from whom it emanated, in which were combined all the powerful bankers, merchants, solicitors, and tradesmen of the City of London. When the petition had been put into his hands, he had naturally looked over the signatures, and he could assure their Lordships, that there was scarcely a name of first-rate importance, connected with the trade and commerce of this great metropolis, which was not to be found amongst them. It was signed by 4,500 persons—though the petition lay but two days and a half for signatures. Had it remained longer open, he believed that every man of the least

notice in the City of London would have signed it. The petitioners stated, that the Bankrupt-laws had a most injurious effect on trade, and they called on the Legislature to remedy the whole system, by the removal of the fourteen lists of Commissioners. They set forth many of the evils and grievances to which these laws gave rise, and they contended, that a change was recommended by long experience, and after the subject had been sufficiently discussed. The petitioners proposed that the fourteen lists of Commissioners should be done away with altogether, and that such a Court should be substituted as would answer the ends of justice, and restore the confidence of the people to so important a branch of the public business. It might be supposed, that he had some particular interest in the petition, from the fact of his having presented it, and having moved that their Lordships should be summoned to receive it, but he could assure the House, that he had not had the slightest communication with any person engaged in getting it up, until he was waited upon by a deputation of the leading men of the City, who requested him to present it. He discharged that duty with the greatest satisfaction, and the more particularly, because this was not a theoretical or speculative plan of reform, but because it was suggested by men who had daily and practical experience on the subject.

REPEAL OF THE UNION (IRELAND).] Lord King, in presenting a Petition from Donegore and neighbouring parishes, for a Reform in Parliament, and for the Abolition of Tithes and Grand Jury Presentments, said, he had great pleasure in presenting it, because it did not, like some other petitions intrusted to his care, pray for a Repeal of the Union. With regard to that measure, the noble Baron said, he could not conceive how any person in his senses could imagine that Ireland would derive benefit from a dissolution of the Union. In his opinion, its certain effect would be, to make those in Ireland, who were now rich, poor; while it could not possibly make those who were poor rich.

The Earl of *Shrewsbury*, in presenting several petitions from various parts of Ireland, for a Repeal of the Union, observed, that the petitioners were very earnest in their prayers. For his part, he had great confidence in his Majesty's Government,

and hoped that it would take the prayers and the wishes of the people of Ireland into consideration.

The Marquis of *Londonderry* begged to ask the noble Earl, whether he was prepared to support the prayer of the petitioners, for a Repeal of the Union?

The Earl of *Shrewsbury* said, that though he had been intrusted with the petitions, and requested to support them, he had informed the persons who sent them, that under present circumstances, he was not prepared to make up his mind on the subject, and he had recommended those persons to abstain from agitation, as an Administration avowedly hostile to the interests of Ireland had ceased to exist. He had advised the petitioners to remain tranquil, and to place their trust in the good intentions of the present advisers of the Crown, who had always shown themselves to be the true friends to that country, and who had already forfeited every thing but honour and popularity in its behalf.

The Duke of *Wellington*.—I have no objection to the noble Earl paying any compliment he thinks proper to his Majesty's present Government, but I must protest against his saying, that the late Administration were avowedly hostile to that part of the United Kingdom. I think that the measure which I had the honour to propose, in conjunction with other measures which the late Government of Ireland brought forward, and with others which it had prepared, and which are now to be introduced by the present Government, might have shown the noble Earl, that the late Ministers were not avowedly hostile to Ireland. I think that even the measures lately adopted to preserve the peace and tranquillity of the country, might have convinced the noble Earl, that we were not mistaken in our views, and that we were not avowedly hostile to the interests of that part of the United Kingdom.

The Earl of *Shrewsbury* said, that when the question was put by the noble Marquis, he had answered it with too much precipitation. He did not mean to use the word "avowedly," and he used the word "hostile" in this sense, that the late Administration, when granting the great measure of relief, had declared that they did not bring it forward from any desire to conciliate the people of Ireland, but solely on the ground that the time was come when they could resist it no longer.

The Marquis of *Londonderry* said, that when he asked the question, he intended to give the noble Earl, who presented so many petitions from Ireland for a Repeal of the Union, an opportunity of declaring whether he could boldly stand forward in his place and support that measure or not. He wished that the course pursued by a noble Earl, on a late occasion, in presenting petitions on the same subject, had been adopted on this. He would only say, for his own part, as an Irishman, that a Repeal of the Union could do no possible good, but only cause a dismemberment of the empire.

ADDITIONAL CHURCHES ACT.] On the Motion of the Bishop of *London*, a Bill for the purpose of amending the above Act was brought up and read a first time. The right rev. Prelate took that opportunity of correcting a misstatement which had taken place with regard to some of the observations he had made on the previous evening. He was represented to have said, the average income of the Clergymen of England was 155*l.*, and that of Archdeacons 600*l.*, when, in fact, he stated, that the one was 185*l.* and the other not more than 100*l.*

Lord *King* said, he was surprised at so low an average as 185*l.* a year; for, calculating that there were 10,000 parishes, the tithes could not amount to more than between two and three millions, while, in fact, they were between four and five millions.

The Bishop of *London* said, that according to the returns made in 1825, the tithes amounted to 2,300,000*l.*, a great part of which was paid to lay impropiators. He was sure, that the average income of the Clergy, if above 185*l.*, was under 200*l.*

The Earl of *Radnor* supposed, that the rev. Prelate last night included all the income of the Clergy; but he found now that he confined himself to tithes.

The Bishop of *London* said, that he had taken into calculation the one-third of the value of ecclesiastical leases; but, as the maintenance of Curates was to be deducted, it would be found that his calculation was correct.

FRAUDULENT DEBTORS.] Lord *Wynford* presented a Petition from persons of the name of Sheratt, complaining that a Magistrate, to whom their father had lent

a considerable sum of money, was now in the King's-Bench, spending a large income, while they were reduced to great distress. The petitioners stated, that at the death of their father, who had long applied for his money in vain, his executors obtained judgment against the debtor, who had been taken in execution, and lodged in the King's-Bench, where, since 1824, he had been living in a most sumptuous manner, on property which belonged to them. It was not to be borne, that debtors should in this manner spend the money of the widow and the orphan in riot and licentiousness, without the law affording any redress to the oppressed. His Lordship then moved the Order of the Day for the Frauds on Creditors Bill being committed.

The Lord Chancellor hoped, that his noble and learned friend would consent to postpone this stage of the Bill, as some of the Judges wished to have more time to consider its provisions. It was a Bill calculated to produce a great change in the law, and to bring the business of the Insolvent Court into the Courts of Common Law, and therefore it required to be well digested, though no one could deny the propriety of getting at the effects of fraudulent debtors.

Lord *Wynford* said, he could not resist the application of the noble and learned Lord, though he was surprised that the Judges had not yet made up their minds, as the Bill had been eight weeks before them. He begged the noble Lord to understand, that he was the last man to propose bringing the business of the Insolvent Court to Westminster Hall; his great object was, to compel those to go to the Insolvent Debtors' Court who now kept out of it, though they were insolvent. The Bill, or some corresponding measure, was absolutely necessary, and the petition which he had lately presented, was the best evidence of the frauds which were now practised by debtors, who lived luxuriantly while their creditors were starving.

The Lord Chancellor said, some of the clauses of the Bill went to produce material changes in the mode of conducting processes in the Courts of Law. One of the clauses, it was thought, would oblige the debtor to appear before the Court which issued the writ, in place of being tried, as at present, before the Insolvent Debtors' Court.

Lord *Wynford* said, he had no such

object in view in the Bill which was before the House. His object rather was, to oblige debtors to go to the Insolvent Debtors' Court—a Court to which few, at present, went, who had any effects. The compulsory clause would not, however, be operative till after a judgment had been obtained. Nobody now went to the Insolvent Court who had any property, as was evident by the dividends not amounting to one farthing in the pound.

Committee postponed.

HOUSE OF COMMONS.

Tuesday, Feb. 15, 1831.

MINUTES.] Bills. Colonel TRENCH brought in a Bill to amend the Irish Election Acts, 1st Geo. 4th, c. 11, 4th of Geo. 4th, c. 55, and 10th of Geo. 4th, c. 58. Mr. O'BRIEN brought in a Bill for the Relief of the aged, infirm, and helpless Poor in Ireland, which was read a first time.

Returns ordered. On the Motion of Mr. G. LAMB, a detailed statement of all Expenses actually incurred in serving the Office of High Sheriff of each County in England and Wales, during the years 1828 and 1829, so far as the same can be made out; together with a Return of all Charges and Fees paid, to whom paid, and under what authority; also, a statement of Fees repaid, and allowances made, to each High Sheriff within the said years:—On the Motion of Mr. HUMF, several, relative to the Civil Superannuations in 1830; also, of all existing Half-pay Superannuations, Civil and Military, for 1830; also, of the Expenditure of 12,000*l.* for forming Tables of the Parishes in Ireland; also, of the Half-pay of 150 Officers, having Half-pay in the Army and in the Militia:—On the Motion of Mr. JEPHSON, all sums of Money allowed by way of drawback on Soap exported to Ireland during the years 1824, 1825, 1826, 1827, 1828, 1829, 1830, to 5th January, 1831; all Soap exported to Ireland, on which a drawback of Duty was allowed during the same years; all Sums allowed by way of drawback of Duty on Soap, and the quantities exported, during the same period (excluding Ireland):—On the Motion of Mr. S. RICE, an account of the Charges of the several Sheriffs and Returning Officers in Ireland, at the last general Election.

Petitions presented. For the Abolition of Slavery, by Mr. HUGHES HUGHES, from Alkborough and Whitton, Lincolnshire:—By Mr. C. GRANT, from several Congregations of Dissenters in Scotland. For the Abolition of the Assessed Taxes, by Sir W. INGLEY, from Louth, in Lincoln. For a Repeal of the Coal Duties, by Mr. HODGES, from Hythe. For a General Fast, by Mr. C. SMITH, from Pontefract.

BELGIUM—CONDUCT OF FRANCE.]

Sir R. Vyvyan said, he was desirous to put a question to his Majesty's present Government, more particularly as he perceived the noble Secretary of State for Foreign Affairs was now in his place in the House. It was the privilege of any Member of the House, under particular circumstances, to be allowed to put to the members of his Majesty's Government questions relative to the trade or policy of the country, though he acknowledged, at the same time, it was competent to the members of his Majesty's Government to answer or decline making any reply to

such inquiry. It was far from his intention to put any question in a shape which might embarrass his Majesty's Government; but as the question was one in which the interest, honour, and dignity of this country were involved, if not compromised; and as the subject had been, not only spoken of, but canvassed by different journalists, and printed in newspapers, both foreign and English, he felt there was no impropriety or indelicacy in making this application to his Majesty's Government for information. He referred to the communication made by one of the members of the Belgian Congress to that assembly relative to a Letter despatched to the French agent at Brussels by the Minister for Foreign Affairs at Paris.

The *Speaker* called the hon. Member to order. He must confine himself to a question.

Sir Richard Vyvyan said, he should then confine himself to reading the letter alluded to.

Sir John Newport said, the hon. Baronet's proposal was contrary to the rules of the House. He could not read the letter.

The *Speaker* observed, the rule of the House must be complied with, that when a Member went out of the usual course, for the purpose of asking a question, he was bound to confine himself to merely putting the question as a dry, simple query. Such, in this instance, would be the most convenient and least irregular.

Sir Richard Vyvyan should comply with the line of conduct marked out for him by the Chair. It was well known that a protocol had been drawn up by the plenipotentiaries of the five great Powers at London, on the 20th of January last, relative to their views with respect to the Belgian State. That protocol, of course, was signed by the French minister then in England; notwithstanding which, the following letter from the French minister for Foreign Affairs, addressed to the French diplomatic agent at Brussels, was said to have been forwarded to the latter, bearing a very recent date. The letter was as follows:—

“Sir;—If, as I hope, you have not communicated to the Belgian government the Protocol of the 20th of January, you will oppose this communication, because the King's Government has not assented to it. In the question of the debt, as well as of the limits of the Belgian territory, we have always understood that the concurrence and consent of both States were necessary.

"The Congress at London is a mediation, and it is the intention of the King's Government that it should never lose that character.—Accept, &c.

"To M. Bresson. HORACE SEBASTIANI."

Now, the question he wished to ask of the noble Lord was this. Had that noble Lord been made acquainted officially with this letter? The second question he wished to put to him was, whether he had been made acquainted with the fact, that large bodies of troops had for sometime past been collecting on the north-east frontier of France, in the neighbourhood of the Belgian provinces?

Lord *Palmerston* replied, that his answer should be directed strictly to the questions put by the hon. Member. Government had received from the diplomatic agent of this Government at Brussels a copy of a letter which he had just read. He trusted that, if he felt it advisable to confine himself to this succinct answer, and added no more, the House would imagine he had exercised a proper reserve, more particularly as at this moment negotiations were pending upon this subject. As to the remarks which the hon. Member had made, on the chance which existed that the interest, dignity, and honour of this country might be compromised, he confidently hoped that the House would be of opinion, that the dignity, interest, and honour of the country had been confided to very safe keeping. It was true, that the troops on the north-eastern frontier had been also stated to our Government to be increased in numbers; repeated assurances, however, had been given to the British Government by France of her pacific intentions, both as respected this Government and the other Governments of Europe, and that it was the intention of France to cultivate and maintain amicable relations, not only with this, but with all other countries of Europe.

GAME LAWS.] In reply to a question from Mr. Fyler,

The Marquis of *Chandos* said, he felt himself somewhat awkwardly placed with respect to his Bill on the subject of the improvement of the Game Laws. After what had taken place on a former night, when he postponed his Bill, in order to accommodate his views, if possible, to those of his noble friend, the Chancellor of the Exchequer, he and that noble Lord were unable to coincide sufficiently, and

the result was, that he understood a bill on this subject was to be brought in by the noble Lord to-night. He was aware of the inconvenience of bringing both these bills before the House in a full Committee of the House; he should, therefore, propose that the two bills might, with the consent of the noble Lord, be submitted to the examination of a Select Committee, which might make up, from the materials and enactments of each, a full and adequate bill to meet the wishes of both parties. He should be glad to learn from the noble Lord if such a course would be agreeable to him.

Lord *Althorp* said, that he and his noble friend, the Paymaster of the Forces, had looked over the Bill of the noble Lord in his presence, and found there so many enactments in which they could not coincide in opinion, and many of the clauses were so diffusive, that they felt the better course would be to introduce a new bill on the subject altogether; leave to introduce which, would be moved for in the course of the evening.

The Marquis of *Chandos* said, that if the noble Lord should continue indisposed to adopt the course of sending both bills to a Committee above-stairs, he should persist in his object, and go on with his own measure.

TRADE AND MANUFACTURES.] Mr. Alderman *Waithman* rose, in pursuance of his notice, to move his Resolutions relating to the Trade and Manufactures of the country. The hon. Alderman observed, that he laboured under considerable difficulty in calling the attention of the House to this subject. His Resolutions had been some time ago printed and circulated; but the subject was not very popular in the House; nor was it very popular with a great portion of the Press. At the same time, he must say for himself, that he had consulted many able persons; and that his views of the question met with their entire concurrence, as to the importance of the subject, and as they did not differ from him as to the inferences which he was inclined to draw from the returns, he felt encouraged in the arduous task which he had undertaken. He had no other object than to lay the truth before the House. He had derived most of the facts on which the Resolutions were founded, which he intended to submit to the House, from official Returns. The

question was, in his opinion, of the utmost importance, and was one to which, for years and years, he had been anxious to call the attention of the House. The greatest fallacies had been promulgated upon the subject in the speeches in the House, and even in the Speeches from the Throne. When petitions were presented, complaining of overwhelming distress, it was said, that the distress was only partial and temporary, and that, upon the whole, trade and commerce were flourishing. It had been declared last Session, in the Speech from the Throne, that the exports exceeded in amount those of any former period, a statement that would be found entirely fallacious when the real value of the exports was seen. Feeling as he did that the distress was not of a temporary nature, and that the causes of it were either unknown or misrepresented, he had applied himself closely to examine the state of our trade and manufactures, and to ascertain the amount of the depreciation which they were suffering. The official valuation of our exports afforded no criterion of present prices; but merely showed the increase and decrease of quantity. The appreciation and depreciation of price must be ascertained by comparison between the declared or real value. He had heard a great many contradictory statements in that House, with respect to the peculiar character of the distress. Sometimes it was said, that it was the manufacturing, sometimes that it was the agricultural classes that were suffering. He had seen several plans for relieving the distress; but the first thing necessary was, to ascertain the cause. In his opinion, the real cause of the distress was, the unequal distribution of property, arising from the measures of Government with respect to the currency and to trade, from which the productive classes were deeply suffering, while other classes were left wholly untouched. The very mention of the Currency question seemed to be considered dangerous, and to be exploded. The noble Lord (Althorp) had expressed his unwillingness to re-open that subject, while he admitted that what had taken place with respect to the currency might have had some operation upon the present state of things. The Resolutions which he was about to submit to the House were divided into three branches. The first branch related to the actual depreciation in value of the exports, which would be seen by comparing

the real value of the exports with the official. The second branch went to shew the fallacy of an actual amount of the export trade for several years past, as compared with the actual amount of former years, without reference to the depreciation in value; and the third branch of the resolutions would show the great and increasing disparity of the imports as compared with the exports. They would also shew the particular periods of fluctuation in the value of our manufactures as connected with alterations in the currency, and how far it might be supposed, that any measures before the House—such as changes in the poor-laws, any plans of emigration, any reduction of taxes, were capable of remedying the existing evils. It was his firm conviction, that from none of these could any substantial relief be obtained; and that no substantial relief could ever be afforded to the country by the mere reduction of taxation, or by measures for relieving the poor. The middle classes had been broken down; and the distress of the poor was the result. The true way of relieving the poor was to remove the distress of the farmers, and of all persons connected with the trade and manufactures of the country, which were the connecting links that furnished them with employment and support. He thought, that in these Resolutions would be seen the most extraordinary facts that had ever been promulgated. To him (Mr. Alderman Waithman) it appeared to be a matter of the greatest astonishment that no attention had been paid by a single Member of that House to the real facts of the case. Taking the first five years of the period to which he had extended his inquiries, it appeared that the average annual excess of the real beyond the official value, from 1799 to 1803, was 15,000,000*l*. The average annual excess of the next five years, from 1803 to 1808, was of nearly the same amount. In the next five years it was something less. In the year 1813 the real value exceeded the official by nearly 6,000,000*l*.; and it was worthy of observation, that from that year to the year 1819, there was a depreciation of value amounting to nearly 10,000,000*l*. From the year 1819 to the year 1824, from being 6,000,000*l*. above the official value in the former year, the real value descended to 4,000,000*l*. below the official in the latter. In 1803 the excess of the real value over the official value was

20,000,000*l.*; but in the last year, ending with the 5th of January, 1831, the depreciation in the real value, as compared with the official, was nearly 20,000,000*l.* And yet, in the very last year, the Speech from the Throne declared, that the exports had exceeded those of any former year. He did not mean to say, that Government made that statement knowing it to be false; he had no doubt they were ignorant of the depreciation in the real value of the exports; but when the papers were produced, it would appear that the official value had increased by 3,500,000*l.* but the real value was 1,000,000*l.* less than that of the preceding year. Thus our boasted prosperity consisted in giving away 4,500,000*l.* of the labour of the country, without receiving one farthing's worth in return. By adding the average yearly decrease of the real value below the official in the last five years of his estimate to the average excess of the first five years, it would be seen that the depreciation was above 28,000,000*l.* per annum. He also maintained, that at the present moment, when it was proposed to relieve the country by a reduction of taxation, it was desirable to see how far that object would be effected by the means proposed. With respect to the remission of one of the taxes—the duty on printed calicoes, with the imposition of a duty on the raw material, he saw no objection to it. But he was sure the noble Lord would, on a little consideration, feel the oppression and absolute ruin that would attend the reduction of the duty on printed calicoes without making compensation to the holders of goods of that kind. There were some individuals who held 5,000 or 6,000 pieces of goods, by which they would, if the duty were not remitted to them, lose 3,000*l.* or 4,000*l.* In some cases they would lose twenty per cent, instead of making any profit. The hon. Alderman stated, that the duty now proposed to be put upon raw cottons was equal to one-fifth of their average value. It was this duty which the Government proposed to substitute for that which they had taken off the printed calicoes. Now, he must say, that unless the Government consented to make a drawback in favour of those who had large stocks of printed calicoes on hand, and who had already paid the duty for them, they would occasion a great injury to a large portion of the cotton trade.—The Government had

too often interfered in this way, without a due consideration of the interests of those immediately concerned; and had produced considerable inconvenience. He charged them with having done this—he did not mean the present Government, nor even, particularly, the last—but all the Governments we had had for the last twenty years. They had devised measures which they considered to be calculated to promote the benefit of productive industry at home, and to increase the amount of foreign trade; but these measures, he was sorry to say, had always had a contrary effect, and the foreign trade had declined in real amount and in profit. There was property enough in the country; but it was unequally distributed; and that unequal distribution was a cause of the great evil. That inequality was much assisted by these partial measures of interference, that often gave an advantage to a few, while, for the time at least, they oppressed and ruined many. He now came to the second branch of the resolutions—namely, that which related to the real value of the exports, as compared with the real value of former years. From that it appeared, that upon the average of all exports for ten years, from the 5th of January, 1808, to the same period in 1819, they had increased 4,500,000*l.* per annum. It was natural that this increase should take place, considering the manner in which the population had increased in the mean time.—But let the House mark the difference. From the year 1819 to 1830, the annual amount of exports had decreased in real value about 6,000,000*l.*, and that decrease took place notwithstanding the increase of the population. Now, that increase of population was great enough to have occasioned an increase on the real value of the annual exports, to the amount of 6,000,000*l.*, so that the difference (when the two were added together) nearly equalled 12,000,000*l.* What did all this prove, except that profits were lowered, and trade had diminished in amount. He had always considered that the Board of Trade, looking at the circumstances under which it was conducted, was one of the greatest nuisances the country ever had. He did not think that the measures recommended of late by that Board had been productive of advantage but the contrary. The only good foreign trade now carried on by this country was carried on with our own colonies. There was

the Canada trade, for instance, which supported 1,600 ships, and yet, at the recommendation of that Board, the House were now called on to inflict an injury on that trade, for the purpose of opening the trade with the Baltic. All the articles used in our colonies were manufactured in this country, and yet, for the supposed chance of benefitting the revenue, that trade was to be sacrificed, in order to create a trade with the Baltic, although the countries round the Baltic took scarcely any of our manufactured goods. On the contrary, they took chiefly those things which were but partially manufactured, as, for instance, cotton twist and colonial produce. Between the year 1819 and the present time, the exports of our cotton twists had increased from 1,000,000*l.* to 5,000,000*l.* and eight-tenths annually; and all these half-manufactured articles were taken to the North of Europe, in favour of which we were going to sacrifice our own colonies, though the nations for which we were to make this sacrifice would not take our manufactured goods in return. For some years past, especially since this system of free trade (which was not a free trade) had come into operation, the supporters of the system had endeavoured to prop it up, by asserting that it made all articles of necessity or comfort cheaper, and that the consumption of these articles was much increased among the lower orders. He denied the truth of that statement; and he declared, that, in admitting foreigners to a free competition, we put an end to our own manufacturing industry; and the lower orders being thus thrown out of employment, could not afford to enjoy those articles, the consumption of which, it was said, had so much increased. He would now proceed to the third branch, and shew the increasing disparity between the imports and the exports. The thirteenth Resolution he meant to propose related to this subject. That Resolution stated, that the amount of imports had considerably decreased. Taking the official valuation of each, they bore no proportion to the amount of exports — the latter having increased, from 1798 to 1830 (including foreign and colonial produce), from 27,000,000*l.* to 66,000,000*l.*; being an advance of 39,000,000*l.*; while in the same period, the imports have increased only from 25,000,000*l.* to 42,000,000*l.* being an advance of

17,000,000*l.* only. It further appeared, from the papers, that while the exports for the ten years up to 1808, exceeded the imports by 5,000,000*l.*, the excess in the ten years up to 1819, amounted to 144,000,000*l.*, and in the ten years ending in 1830 to 200,000,000*l.* These were some of the important particulars to which he wished to direct the notice of the House, and he was sure they would be considered deserving of the most serious attention. What was the legitimate inference from these facts? Why, that the country suffered a great loss, for the loss upon exports was considerable, and he would assert, though Ministers had repeatedly declared the contrary, that the distress felt throughout the country never was so great as at the present moment. He knew that political philosophers said, that if they got 150 casks of wine for 150 bales of goods, instead of getting 100 casks of wine for 100 bales of goods, they were at least as well as before, if, indeed, they were not better off. He denied this. He asserted, that the only person who was benefitted was the unproductive consumer, the wine drinker. He insisted, that to confer any real benefit upon the people, the Government must raise the value of property to the amount of the taxes, or bring down the taxes to the value of property. The people were no longer to be deceived with tales of their improvement and prosperity, at a time when they were really suffering from distress. He had the fullest confidence in the views and intentions of the noble Lord who was at the head of the finances of the country, and likewise in the talents and integrity of the right hon. Baronet, the member for Cumberland (Sir J. Graham); but, however estimable they might be as individuals, as Ministers they could expect to possess no hold on public opinion, unless by measures of real public advantage. He gave his full approbation to the Ministers for some of the taxes they had commuted, and for those they had repealed; but he thought that others were objectionable, and that they would be so considered by the country. With respect to what had been said about the Government withdrawing a part of the Budget, he must say, that he thought they had proceeded in a most honourable manner. They had only yielded to the expression of the feeling of that House, as they were bound to do, instead of perse-

vering in measures against which the House had so strongly declared their opinions. He was sure that the country would fully appreciate such frank and manly conduct. The hon. Alderman concluded by moving the following Resolutions:—

1. That it appears from papers laid before this House on the 5th of April, 1830, and ordered to be reprinted on the 10th day of November in the same year, that considerable variation has taken place in the official and real value of British and Irish manufactures and produce, exported from Great Britain from the year ending the 5th of January, 1799, and the year ending the 5th of January, 1830.

2. That the official valuation, being an estimate founded upon a rate of prices in the Custom-house books, which had been formed at a very remote period, and remaining without variation, affords no criterion whatever of present prices, but serves to show the increase and decrease in quantity, and the appreciation and depreciation in price, as compared with the declared or real value.

3. The following Averages, formed from the documents before the House, will show the yearly amount, with the comparative yearly increase and decrease in value, upon an average of the respective periods stated:—

Years ending	Yearly Average of official Value.	Yearly Average of real Value.	Increase of real over official.	Increase of official over real.
	£.	£.	£.	£.
Jan. 5, 1801	22,674,252	37,793,736	15,109,482	—
— 1808	22,662,530	37,327,790	14,665,260	—
— 1813	28,115,513	39,908,466	11,794,933	—
— 1819	38,176,225	43,791,788	5,615,563	—
— 1824	39,544,638	35,282,152		4,262,586
— 1830	48,929,230	35,713,824		13,215,405

4. Whereby it appears that upon an average of ten years, ending the 5th of January, 1814, the real value of the exports exceeded the official by .. per annum 14,887,371 £.

5. That upon the average of five years, from 1814 to the 5th Jan., 1819, the excess of the real over the official value was 5,615,563

Being a depreciation in five years of .. per annum 9,272,808

6. That from the 5th of January, 1819, the real value continued rapidly to decline, and from having been so many millions per annum above the official, it became several millions per annum below it, and upon the average of five years, ending the 5th of January, 1824, a further depreciation had taken place beyond that of the preceding ten years to the amount of 9,878,149

7. That upon a like average of the 6 years ending the 5th of January, 1830, a still further depreciation had taken place to the amount of 8,952,929

8. That by adding the average yearly decrease of the real value below the official in the last five years to the average excess of the first ten years, it will be seen that the depreciation has exceeded 28,000,000

9. That the highest point of excess of the real over official value was in 1803, it having increased since 1798 from 12,000,000 to nearly 20,000,000. That the lowest point of depression was in 1829, it having descended to more than the same amount below the official, as will appear by the following statement from official returns:—1803.
Amount in real value...£45,102,330
Ditto in official value...25,195,893

Excess of real value over official 19,966,437

The lowest point of depreciation was in the year ending the 5th of January, 1830, when the exports were—1830.

Official value...£55,465,723

Real value..... 35,212,873

Decrease of real value under official 20,252,850

Making a depreciation in real value of 40,159,287

10. That at the commencement of the last Session, this House was assured by the Government, in the Speech from the Throne, "that the exports had exceeded those of any former year, and afforded indications of active commerce, although it was admitted that distress existed in some places." It appeared, however, by papers subsequently laid before this House, that although the Exports had exceeded those of the former year in quantity, as denoted by official valuation, to the amount of 3,445,955

Yet in real value they were below those of the former year 937,506

Being a depreciation in that one year of 4,383,461

EXPORTS AT REAL VALUE.—11. That setting aside the official valuations, and comparing the actual value of the Exports of latter years with those of the former, an alarming decrease will appear to have taken place in the foreign trade of the country, as will be seen by the following averages, taken from the same document:—

Ten Years ending]	Yearly Amount of Real Value.	Increase.	Decrease.
	£.	£.	£.
January 5, 1808..	37,335,763	—	—
— 1819..	41,850,117	4,514,354	—
— 1830..	35,517,609	—	6,332,507

Whereby it appears, that upon an average of ten years, ending the 5th of January, 1819, the Exports had increased, and exceeded those of the previous ten years above 4,250,000. per annum, in a fair ratio with the increase of population.

12. That the Exports upon the average of the last eleven years, compared with the previous ten years, have, notwithstanding the great increase of population, fallen off above 6,250,000. per annum.

IMPORTS AND EXPORTS.—13. That the Imports, it will be seen, taken by the same official valuation, bear no proportion to the Exports, the latter having increased from 1798 to 1830, including foreign and colonial produce, from 27,000,000. to 66,000,000., being an advance of 39,000,000., while in the same period the Imports have increased only from 25,000,000. to 42,000,000., being an advance of 17,000,000. only, not one-half of the former.

Yearly Exports and Imports upon the following averages:—

Ten Years ending	Yearly Exports.	Yearly Imports.	Relative diminution of Imports.
	£.	£.	£.
January 5, 1808..	31,723,626	26,596,444	5,127,177
— 1819..	44,441,502	30,018,295	14,423,207
— 1830..	54,632,517	36,296,055	18,236,462

Exports and Imports of the last two years:—

Years ending	Exports.	Imports.	Comparative diminution.
	£.	£.	£.
January 5, 1829..	61,948,383	43,536,187	18,412,196
— 1830..	66,072,164	42,311,649	23,760,515

14. Whereby it appears that there was, in the last year, a relative deficiency in the Imports, as compared with the Exports, both taken at official value, to the immense amount of nearly 24,000,000

15. That it further appears, that whilst the quantity of Exports of the last year had exceeded the Exports of the prior year, by 4,123,781

There was a decrease in Imports below the Imports of the former year, by Being a relative deficiency in one year of 5,349,317

16. That it is also to be observed, that of those Imports there were less retained for home consumption than in the previous year, by 1,902,324

And of those Imports 3,500,000*l.* was in corn, and in the last four years the importations of corn have amounted to above 9,000,000*l.*

17. That the gross amount of excess of Exports over Imports was as follows:—

In 10 years up to 1808, above ..	5,000,000
In 10 ditto - 1819, ditto ..	144,000,000
In 10 ditto - 1830, ditto ..	200,000,000

TOTAL.....£349,000,000

18. That in the last two years the excess of the Exports over the Imports was 42,000,000

19. That without attempting to draw conclusions from such coincidental circumstances, it cannot escape observance, that periods of the greatest fluctuation, depression, and distress have occurred, at periods when certain legislative measures have been either under consideration or in operation, of which the following are instances:—

20. That by comparing the year ending the 5th of January, 1818, to the year 1815, a period of three years only, the depreciation in the real value of Exports below that of the official, amounted to..... 9,130,825

21. That the reasons then assigned by members of the Government for such depression and distress were—a revulsion from war to peace, and the preparations making by the Bank for the resumption of cash payments; and in 1817 a bill was passed for prolonging the Bank Restriction for two years.

22. That the year 1818 was, comparatively, a prosperous year; prices had so far recovered, that the depreciation became less than that of the former year by 2,103,827

23. That in the year 1819, measures were adopted respecting the currency; prices again declined; a period of great distress ensued; and in the year ending the 5th of January, 1825, the depreciation had fallen so far below that of the year 1818 (a space of six years) as to amount to 13,644,526

24. That in the year 1822 the Small-note bill passed; and in 1825 prices had again so far recovered, that, compared with the preceding year, the depreciation had been lessened by .. 2,049,239

25. That in 1826 measures respecting the currency, and other measures which were said to have for their object the extension of commerce and navigation, the improvement of trade, the increase of the manufactures, and the removal of public distress, came into operation; but, notwithstanding the confident assurances held out, great distress and embarrassment have followed, and continued with more or less severity in the present time; and in the year ending the 5th of January, 1830, compared with 1825 (a period of four years), the depreciation had further increased beyond that before stated to the amount of 11,887,158

26. That under such comparative changes and fluctuations, and under such an alarming depression in the value of the manufactures and produce of the country, affecting so deeply all its productive interests, rendering taxation nearly double in its oppressive operation, and bearing with such peculiar severity upon all the middling and labouring classes of society, who are now suffering the greatest distress and privation, it has become imperiously necessary to adopt the most speedy inquiry, and to devise the most efficacious means for relief.

27. That without at present giving any opinion as to the causes or the remedies, this House cannot but express its confidence that his Majesty's Government will satisfy the just and anxious expectations of the country, by a prompt and effectual inquiry into the causes that have produced such difficulties and distress, and adopt such measures as may be best calculated for their removal.

Mr. *Irving* bore a willing testimony to the hon. Alderman's industry in examining the several tables of exports and imports which had been printed in obedience to the orders of that House, but could not help pointing out the great delusions, or fallacies, which pervaded his reasonings upon them. The worthy Alderman laid great stress on what he alleged to be the excess of our export over our import trade, or what he calls the difference between real and official values; but he seemed to forget that men in trade, like men out of trade, seek their own interest; and it would not be their interest to export more than they imported—to give more than they received; and that therefore the supposition of such a system of commerce

being persisted in for any length of time is, considering the motives to human actions, an impossibility. The great error of the hon. Alderman, in common, indeed, with the large majority in and out of doors who treat of those subjects, was, that they overlooked altogether the effects of taxation on the profits of trade. Since 1815, a large reduction had been made in our taxes; and, as a consequence, a great reduction of price followed; and the distress of shopkeepers only was felt by those who had laid in a stock at the period of high taxes,—that is, high prices, for which it was evident they could not expect a remunerating return, when selling at a period of reduced taxation. He did not say taxation was a good thing, but he did positively affirm, that a great part of the reduction in prices had been caused by the remission of taxes. The hon. Alderman's statements were all based on an error, and therefore could not receive the sanction of those to whom it was made manifest. The hon. Alderman complained, among other things, of the increasing exportation of cotton twist. He must admit that an exportation of an equal amount of cotton cloth would be more advantageous, but spinning this twist gave employment to a great number of our people, and they must work for such markets as existed; they could not create a market at pleasure. It would be folly or madness to check the export of the article alluded to. Like the hon. Alderman, he wished to promote the happiness of the country, but he thought the method of doing that proposed by the hon. Alderman, not the right one.

Mr. George Robinson was sure one good would follow from his hon. friend's statement,—that it would expose the delusions which the frequent show of our exports and imports had made upon the public mind. The present state of the country was mainly owing to the very imperfect system of what was called free trade, under which the country had of late years been suffering. When he stated this, he begged it to be understood, that he was not an enemy to free trade principles—by no means; but he objected to such principles being applied to our manufactures only, while the landed interest was protected by their Corn-laws. Let these laws be repealed—that is, let all the interests of the country be placed on an equal footing—and he would hail free trade as a great benefit to the country;

but not till then. But this accorded not with the views of a great number of individuals, both in that and in the other House of Parliament, who were interested in keeping up the price of grain, and therefore resolutely and successfully opposed all free trade in corn, though they came down with a powerful majority to support any measure of the kind when manufactures were involved. Why should thirty per cent be the *maximum* protection of our manufactures, while the landed interest would not abate a farthing of a protection of from sixty to seventy per cent? He agreed with the noble Chancellor of the Exchequer, that no breach of faith would follow from a transfer-tax on funded property, and contended that such property should be as liable to the burthens of the State as landed or any other species of property which the State protected. With respect to the funded proprietors there was this inequality as to their contribution to indirect taxation—a man who possessed 10,000*l.* a-year in the funds, and who chose to live in a garret, or spend only 500*l.* a-year, contributed only a very small portion of his revenue, compared with the generality of fundholders, who had only a small income, and who lived on that income, having no other revenue. He regretted, therefore, that the noble Lord did not boldly come forward at once with a *bona fide* property-tax, which would compel absentees, and other unproductive consumers, to contribute their just share to the public revenue; and which would enable him to repeal the Assessed Taxes and those Excise imposts which oppressed the productive industry of the country. By repealing the Assessed Taxes, and the Excise imposts, not less than 3,000,000*l.* would be annually saved, which was now paid for the mere collection of them. The country should husband its resources now that we were at peace, otherwise a war would leave us in a much worse state than we were at present. He was opposed to the noble Lord's proposition for a modification of the duties on wine and timber. He might rest assured, that the French would not be induced by the reduction in favour of their wines, to take our manufactures, and we should be forfeiting our trade with Portugal in vain. Then, with respect to timber, it was the interest of the country to encourage the produce of our own colonies at the expense of any mere foreign commodity; and the Ca-

nadian timber would, under the noble Lord's proposed regulation, possess no material advantage in the home market over that of the Baltic. With regard to machinery, he believed the effect of it had decreased the demand for manual labour, and if the noble Lord, who appeared to be driven to his shifts, wished a mutation of taxation, he might have proposed a tax upon machinery. He was, on the whole, extremely anxious to see the internal trade of the country and the colonies protected; it was far more valuable than all the foreign trade.

Mr. *Wolryche Whitmore* observed, that if it had not been for the great improvements in our machinery, and such men as Arkwright, Watts, and Hargreave, who invented them, the country could not have maintained as it did the tremendous struggle which arose out of the French Revolution. He likewise expressed his conviction, that if the Motion of the hon. Member opposite were carried, it would leave the country where it now was, if, indeed, it did not plunge it into far greater difficulties. The hon. Member had called upon Government to foster peculiar branches of trade. That was, of all policies, the very worst that could be recommended. Instead of fostering any peculiar branch of trade, Government ought to leave all trades alone. It would be far better to pursue such a policy than to leave trade under the regulations of any Ministers, even though they should be as enlightened as the hon. Member himself. He had heard a property-tax proposed nightly for some time past, by hon. Members from whom he had expected wiser counsel. He was quite sure that the hon. Members who now urged the most loudly upon Government the propriety of such a tax, would, in the course of about two or three years after its imposition, be equally loud in demanding its repeal. He called upon the House to consider whether any such relief as some Gentlemen expected could be derived from the commutation of taxes whilst their amount remained undiminished? He would not give his aid to the re-imposition of a tax which, when it formerly existed, was found to be a curse on the country, and was so oppressive and inquisitorial as to unite all classes in calling for its repeal. He admitted that the expediency of imposing a property-tax was not at that moment under the consideration of the House; but it was a subject to

which such frequent allusion had been made in the course of the debate, that he could not allow it to pass without an observation. He was of opinion, that by removing the monopoly of corn, and other kindred monopolies, more would be done to relieve the productive industry of the country than could be done by any *hocus pocus* arrangement of the right hon. Gentlemen opposite. He was astonished that the hon. Alderman, who, for the last three years, had made an annual motion on this subject, could not yet discover the real cause of the difference between the official and real value of our exports and imports, as they stood now, and as they stood some years ago. The hon. Alderman could not explain the cause of that difference without identifying it with the ruin of the country. But surely various other causes might be assigned for it, all infinitely more probable than that assigned by the hon. Alderman. There had been a change of currency; machinery had been invented, which produced articles of equal quality at a less price; the raw material had fallen in price. The country was in an improving condition, and the various sources of supply to its commerce were increasing. The prices on the raw material—cotton, silk, and woollen, had greatly fallen, and the amount used for manufacture now nearly doubled that used fifteen years ago. In the year 1820 there were only 450,000 bales of cotton imported; last year not less than 800,000 bales were imported. He denied that the manufactures of the country were at present in a declining condition; on the contrary, there never had been a period in which they were in so healthy a state. If the home and foreign trade of the country were left to themselves, its prosperity would continue, and we might look forward to a great increase of its productive industry. Let not the House be mystified by the propositions of the hon. members for London and Worcester: let not hon. Members look exclusively to the cotton trade, or to the Canada trade; let them regard the general interests of the country alone, and then they would have no occasion to fear for its future well-doing.

Mr. *James Morison* could not help expressing surprise at some of the very extraordinary theories which he had that night heard propounded to the House. His hon. friend the member for London had told them that taxation was no evil. That was saying, in other words, that

high prices were no evil. For his own part, he attributed many of the commercial evils about which they had heard so much that evening, to our present impolitic system of Corn-laws. Commerce could never long continue safe, farmers could never have any security for their capital, nor landholders any certainty of their rents, until the present Corn-laws were altered. If the importation of foreign corn were to be liable to tax—and he did not think that there was any necessity that it should be liable to a tax—that tax ought to be a fixed and not a fluctuating tax. Hon. Gentlemen had talked much about the distress of the country, and had employed the same language in describing it which they had employed for years past. Really, he thought that their language ought to admit of some variation at different seasons; but it somehow or other happened, that always at the very time any hon. Member was addressing the House, the distress was greater than it had ever been at any previous time. Now, for his own part, he believed that there was less distress now in the country than there had been for some years past. He knew the manufacturing districts pretty well; and he would venture to affirm, that in no period since the war had there been less distress in them than there had been during the last two or three years. It appeared almost impossible, when discussing this Motion, not to allude to the subject of the currency. He thought the return to cash payments a stupendous undertaking. It never would have been begun had the people known what they were about; but it was evident that they did not; for Ministers said, that 21s. were equal to 28s., and had the good fortune to get a Parliament to believe them. The alteration which the Act of 1819 had made in the currency, might be a good reason for reducing the salaries of placemen and pensioners,—and with them Parliament knew how to deal—but never could afford any reason for violating the contract with the public creditor. He could see no occasion, in the present circumstances of the country, for any violation of the public faith. He did not think, as some of his hon. friends seemed to think, that the country was now on the brink of ruin. The poverty of the people did not appear to him to be a sufficient reason for calling for a reduction of taxation. It was of no use on such a subject to say that the people had only

bread and cheese; if it were, then, when the people had plum-pudding and roast beef, no objection could be made to the continuance of the taxes. The proper question was not whether the people could pay the taxes, but whether the Ministers could do without them. With respect to the observations which had been made on the subject of machinery, he would only say, that if our artizans were enabled to export the machinery which they fabricated, it would soon become as valuable a part of our trade as our cotton manufactures. There were many evident reasons why other nations could not make machinery so cheap or well as this country; but, in consequence of the prohibition attached to the exportation of machinery, it operated as a bounty to encourage smuggling. Machinery, it was well known, had been carried out of the country in that way to a vast extent. The law which prohibited the exportation of machinery from this country, was nothing else than a bounty on the manufacture of foreign machinery. The consequence was, that the foreigner first smuggled our inventions in machinery, and then set to work to fabricate the machinery himself. He denied that our taxation increased the price of labour, and contended that labour was cheaper in this country than elsewhere. There was a distinction to be taken between articles of commerce which were taxed, and articles of manufacture similarly circumstanced. He would suppose that sugar was reduced a penny per pound; if it were, the prices would immediately fall; but in the reduction of the tax on a manufactured article, such a fall would not be so sensibly felt by the public, as was indeed witnessed when the duties were removed off leather last year. If the Chancellor of the Exchequer were desirous of relieving the lower orders, let him therefore lower the duties upon tea and sugar, which now had become necessities of life, and found their way into every cottage of the kingdom. To remove a tax from an article of consumption was to give the consumers the immediate as well as the full benefit; but to reduce a tax upon an article of manufacture, often only put an additional and an inordinate profit into the pockets of the retailers. Alluding to the observations which had been made in condemnation of free trade, he remarked, that the importation of silks from Lyons could not injure, but must benefit the country. The con-

sequence of it had been a vast improvement in our silk manufactures, and as a proof of it he would mention that the best silks manufactured in this country before the importation of French silks, would now be perfectly unsaleable. Free trade could not fail to be advantageous to this country, and he verily believed, that in the course of three or four years we should be in a situation to throw our ports open to the whole world. Wherever our manufactured goods once gained an introduction, they drove the manufactured goods of all other countries out of the field; and a striking proof of their superiority was exhibited in Mr. Ward's book on Mexico, in which it was asserted, that though our manufactures were there laden with very heavy duties, they had completely succeeded in driving all others from the Mexican market. The labour of this country was decidedly the cheapest labour in the world, and as such, was enabled to throw every other competitor in commerce far behind. He was not aware that it was necessary for him to detain the House any longer by descanting on the other points of the hon. Member's Resolutions; he begged to thank it for the attention which had been conceded to his observations.

Mr. Ward considered himself as very fortunate in not having caught the Speaker's eye before the hon. Gentleman who had just addressed the House, because he had to thank that hon. Member for the information which he, in common with many other hon. Members, had received from his speech. He regretted that he was unable to concur in the Motion of his hon. Colleague, or in the details of the subject which he had thought proper to bring before the notice of the House. The late Lord Liverpool had always expressed himself willing to accede to any Committee for inquiry, if, at the same time, any remedy were proposed for the redress of the grievances into which that Committee was to inquire; and, as in bringing his Motion before the House, the hon. Member for the City had not proved that there was some such grievance, which the labours of the Committee he wished for could remove and relieve, the absence of such distinct proof, prevented his concurrence in the proposition of his hon. Colleague. Before he sat down, however, he trusted he might be permitted to ask the noble Lord, who sat on the Treasury Bench, to state again to the

House, what part the Governor of the Bank had taken with reference to the tax on the transfer of property? He considered it to be so essential to the interests of those concerned that a right understanding should exist as to this matter, that he had no hesitation whatever in asking the favour of the noble Lord to repeat his statement.

Lord Althorp replied, that what he had stated last night, with reference to the Governor of the Bank, was, that he had his (the Governor's) authority to say, that, in his opinion, the measure he proposed respecting the imposition of the tax on the transfer of stock and other property, was perfectly practicable, and that there would be no difficulty in collecting the tax; but, although he considered it to be practicable, he was certainly not able to coincide in the views of the Ministry with respect to its imposition.—With respect to the question before the House, the hon. Member who had brought it forward, and other hon. Members, had gone into topics which it was impossible to follow out; but some of them he considered it to be his duty to notice. The hon. member for Worcester had expressed his conviction, that the members of Government were wrong if they intended to encourage foreign trade at the expense of the home, or the colonial trade. It was far from the intention, and equally so from the wishes, of Ministers to do any thing of the kind, neither would they ever consent to support the colonial trade at the expense of the home trade. As to the alteration in the tax which the hon. Member had said would press on the colonial trade heavily, what had the Government proposed to do? They had proposed to raise a sum of one million of money without increasing the pressure on the consumer; they did not, therefore, contemplate any pressure on the colonial trade, but how best to relieve the people. The great object which the Government had in view was, rather to promote the interests of the home than the foreign trade; he did not know whether they should succeed, but certainly their efforts were chiefly directed towards the promotion of the domestic industry of the country. With respect to what had fallen from the hon. Member who spoke last but one, he was ready to admit the great practical knowledge displayed by that hon. Member, but he had certainly mistaken the views under

which the Government had acted in altering taxation, and the hon. Member had misunderstood what he (Lord Althorp) had stated as to the mode in which relief from taxation would affect the labouring classes. In proposing the reduction of the duty on coals, what he had said was, that if any endeavour were to be made to relieve the labouring classes of this country, no measure would be so effectual as one by which the means of employing them were increased; and this one would have that immediate effect, and much more quickly than any other that could have been suggested. He was afraid there was not room to afford much relief by the reduction of taxes, but he did think there was ample room for improving the condition of the people by increasing the means for employing them. With regard to what had been said on the Currency question, he was of opinion that the currency of the country was now in a healthy state, and being so, he thought the House could not act in so imprudent and unwarrantable a manner as to endeavour to disturb it. With these views, he therefore did consider it necessary to say, that it was not the intention of Government to look into the subject, and also to express his opinion, that any change in that currency would not now prove beneficial. In this respect he trusted experience would teach that caution to the House, which was so necessary in matters affecting so deeply as this did the universal, as well as the commercial welfare of the country. As to the Motion of the hon. member for the city of London, he would merely observe, that it was impossible not to perceive from the returns made to the House, that the exports of the country greatly exceeded the imports, and as to the official and real value, that matter had been so often explained that, under these circumstances, he did not think it necessary to detain the House by entering into any detail respecting them.

Mr. *Hume* observed, that the hon. Member for the city had said, in moving his resolutions, that they were highly important, but so completely did he differ from the opinion of that hon. Member, that he thought they were not at all so. He had, with reference to this question, called some time since for a return connected with the official and real value of the exports and imports of the country, and he held it in his hand; he would just

read a few items from it, which would show more clearly than any arguments that could be urged how very simple the subject was. The hon. Member then read a few extracts from the document respecting the official and real value of the exports and imports of the country, and deduced the fact, that with an import, the value of which was declared to be at fifty-nine millions, the country was enabled, after consuming to the amount of thirty-five millions' worth of the same article of import, to export no less than seventy-three millions' worth. The rates of value had been made a century ago, and the system had struggled on till the present time; the rates of import for the same article differed widely from those of export; in the imports, cassia, for example, was charged at 1s. 6d. per pound, and the export value was 2s. On mace, also, the import value was 12s. 6d., and the export 19s. 6d. For the last twelve years, the tables had never deceived any one, though before he had the honour of a seat in that House they were relied on, and Mr. Pitt had attached vast importance to them. He thought the manner of making out these accounts ought to be altered, and he hoped the time was not far distant when the tables of the value of the imports and exports of the country would be formed upon principles entirely different from those upon which they were now constructed.

Mr. *Poulett Thomson* hoped the House would negative the Motion of the hon. Member by agreeing to the previous question, which he rose to move. He could not, however, feel otherwise than pleased that the hon. Member had introduced the subject, as it had been the means of producing the enlightened observations of the hon. member for St. Ives, (Mr. Morison) who had shown much practical information and great judgment. All the difference of opinion that existed on the subject of the official values was founded on, and consisted in the price of the article being looked at solely, and without any reference to the quality. It was impossible that the trade of this country should have been carried on to the constant loss of those who engaged in it—and he could not but feel glad that the hon. member for the City had been so fully replied to by those hon. Members who had preceded him in addressing the House. A statement relative to the con-

sumption of necessaries, and of the articles used in the manufactures of the country, had been put into his hands a short time before he entered the House, the result of which proved, that the annual consumption of each of these branches had increased to a very considerable amount within the last two years. Thus in 1829, the consumption of coffee was 19,000,000 lbs., an enormous increase compared to what it was a few years ago, when it was no more than 6,000,000 lbs. In the year 1830, however, the consumption was 22,000,000 lbs. In 1829, the consumption of sugar was 3,539,000 cwt.; in 1830, it was 3,790,000 cwt. Of tea, the consumption in 1829 was 29,000,000 lbs.; in 1830, it was 30,000,000 lbs. The consumption of tobacco and snuff had increased to a similar extent; and wine, also, had increased from 5,217,000 gallons in 1829, to 6,380,000 gallons in 1830. These were the articles he had particularly noticed, and their increased consumption was a pretty positive proof that the condition of the people could not be so much deteriorated as the hon. and worthy Alderman would have the House to suppose. It was impossible to imagine that the numbers of the population had increased in proportion to the increased consumption of the articles he had mentioned; and he therefore took it for granted, that the quantity consumed by each individual was greater than it was a few years since. Now, the consumption of manufactures had increased in a similar manner. In 1829, the import of cotton was 204,000,000 lbs.; in 1830, it was 270,000,000 lbs. As to silk, about which so much had been done, and of which so much had been said, the amount of raw silk imported in 1829 was 2,601,000 lbs., a wonderful increase upon all former years. In 1830, however, the quantity imported was, 4,170,000 lbs., an increase of nearly 100 per cent within one year. Of wool, the importation, in 1829, was 22,000,000 lbs.; in 1830, it was 31,600,000 lbs. An increase in the importation of tallow had also taken place, with a contemporaneous increase of the price of the article, which was greatly used in soap-making and other manufactures, the importation had increased from 1,025,000 cwt. in 1829, to 1,130,000 cwt. in 1830. The importation of flax also, another article greatly used in our manufactures, had increased from 800,000 cwt. in 1829, to

960,000 cwt. in 1830, in spite of a very considerable increase in the price. His object in rising was principally to make that very short statement to the House, because he knew that the document from which it was made could not, by any possibility, be in the hands of any hon. Member. In his humble opinion, it could not be contended that the people were so dreadfully depressed, when it was shown that the consumption of the articles used by them had so much increased. He certainly entertained a strong opinion that a considerable degree of prosperity existed in several branches of trade at present, as compared with other periods. In a country situated like this, however, great fluctuations necessarily occurred; they grew inevitably from our complicated relations; and he wished this to be well understood, as he conceived that too much importance was attributed to occasional instances of depression and prosperity. He could not sit down without adverting to another fact, perhaps sufficiently proved by the increase of consumption. The House, he was sure, would learn with satisfaction, that wages were considerably higher than they had been some time since in the manufacturing districts, and that the working classes employed in manufactories were in a much better situation than they had been for some time past. From this general description he should except the hand-loom weavers, whose situation was extremely pitiable: this class of persons was extremely numerous, and suffered more than any other, perhaps, from the changes produced by machinery. But he would not allow those who argued against machinery to go away with the impression that the distress of the hand-weavers was altogether to be ascribed to machinery. The trade which the hand-loom weavers followed was one very easy of acquirement, and, therefore, resorted to by a great number of persons. The influx of Irish also assisted to swell the number; and this, together with the improvements in machinery, tended to keep those engaged in this branch of industry perhaps below any other class of manufacturing labourers.

Mr. Ward hoped the House would pay him the compliment to permit him to read the statement of the Governor of the Bank of England, in that gentleman's own words. The Governor said, "he wished most distinctly to state, that he never was

applied to by any member of Government for his opinion as to the propriety or impropriety of levying a tax upon the transfer of funded property." The Governor further stated, that "he only felt himself responsible for the opinion, that it would be practicable to carry the tax into effect, if it was imposed." The Governor had only done what he (Mr. Ward) should feel himself bound to do towards any Ministry, Whig or Tory—namely, gave a sincere opinion on a practical subject. With respect to the expediency of the proposed measure, however, the Governor stated, that "he had given an opinion in writing against the measure, to a gentleman not at all connected with Ministers."

Mr. Attwood said, that the written statement of the Governor of the Bank of England was entirely in accordance with the statement of the noble Lord. There was another part of the statement of the right hon. Gentleman, (Mr. P. Thomson) however, much more important, and which called for some observation. The House and the country were deluded, time after time, by statements of prosperity, founded on Custom-house documents. The right hon. Gentleman thought he had proved, not that distress was mitigated, but that prosperity was general, because there was an increased consumption of cotton and coffee. Now, he would state a single fact, which would go to prove how fallacious opinions were, founded on such partial instances of increased consumption. In the town of Manchester the consumption of coffee had increased, but the work-people drank that beverage without milk; and had resorted to it because it was cheaper than milk. The excessive poverty of the workmen of Manchester, which induced them to abstain from the luxury of mixing milk with their coffee, however, was now quoted as a convincing proof of the prosperity of the country at large. If his Majesty's Government would pay more attention to the petitions of the people, and less to official documents, they would avoid coming to those delusive conclusions. He would suggest, that a rule should be laid down, that no Minister of the Crown, or other person having a seat on the Treasury-bench, should ever refer to a document in order to found a conclusion that the people were prosperous, without being at the same time compelled to read at least one petition, coming from the people, in order that the House might

see whether the people agreed with him in his conclusion on what it might be supposed they would be the best judges—their own condition. There were some Gentlemen in that House who condemned the theorists, and put forward theories of their own. So enamoured were those Gentlemen with theory, that their facts became theories. The hon. member for St. Ives (Mr. Morison) had said, that the country would float through its present difficulties, and at the same time he stated, that the country had no difficulties to float through, as it had not been in a more prosperous state since the conclusion of the war. Now, the worthy Alderman (Waithman) had at least as good opportunities of learning the state of trade as the hon. Member (Mr. Morison), and no two statements could be more at variance than his and that of the hon. Member. The hon. Member's statement, however, was not merely at variance with that of the worthy Alderman, but with every statement that had reached the House in petitions. These petitions all concurred in stating, that trade was diminished, and labour met no adequate return; that capital was deteriorating, distress increasing, and the productive classes sinking into misery. Statements to that effect were made in petitions coming from that part of the city in which the hon. Member resided, from the assembled county of Middlesex, and from different parts of the kingdom. He would appeal to Ministers themselves as to the situation of various branches of productive industry. Was it not known, that the West-India interest was on the brink of ruin, and struggling for existence? The East-India trade was only in a trifling degree more prosperous. He referred to the hon. member for Staffordshire (Mr. Littleton) whether those engaged in that great branch of manufacturing industry which he represented, were not suffering under distress and misery? In the cotton trade there might have been some partial improvement; but he ventured to say there was not any individual engaged extensively in that trade who would not gladly retreat from it, if he could do so safely, with his capital. As to the agricultural interest, its condition was too well known to be talked away by statements consisting of figures; and those who considered the relations of this country, well knew that while so great a branch as the landed interest continued depressed, it

was impossible the other branches of productive industry could be in a prosperous state. The noble Lord (Althorp) talked of the healthy state of the currency, but he warned him that he could entertain no opinion more dangerous to the country. In conclusion, he would take leave to mention a fact in opposition to the statement of the noble Lord, that prosperity was proved by an increase of consumption of produce. The importation of sugar from the West Indies had regularly and gradually increased; and he left it to the right hon. Gentleman to reconcile that with the fact, that those colonies were never so much distressed as when the importation was the greatest. The fact was, that necessity drove the West-India proprietors to force the produce on the market, and the result of this distress was hailed by the Ministry as a proof of prosperity.

Mr. *Courtenay* rose with the singular intention of defending his right hon. successor (Mr. P. Thomson). He did not understand the right hon. Gentleman to indulge in any general assertion of national prosperity; he had only argued, from two important documents in his possession, that some particular interests were in a more prosperous state than they had been. From a document showing the great increase of luxuries imported within the last two years, he had reasonably inferred, that the state of the consumers had rather improved within that period. The right hon. Gentleman showed from another document, that the consumption of the materials of certain manufactures had greatly increased, and it was only reasonable to conclude, that this unreserved consumption of the materials of manufacture could not take place without affording increased employment to those engaged in manufacture. He (Mr. Courtenay) called on those Gentlemen who were opposed to free trade to come forward with specific propositions that would show what they wanted. Until they came forward with some distinct proposals, he had a right to presume that they were wrong. What measure did they wish the Government to adopt?

Mr. *Hume*.—Let them do away with the Corn-laws.

Mr. *Courtenay* continued—The Corn-laws were not amongst those measures which the opponents of free trade usually complained of; but if the hon. Member brought forward a distinct proposition on

that subject; it would be found, perhaps, that he (Mr. Courtenay) should not greatly differ from him. The worthy Alderman contended, that although the quantity of manufactured goods had increased, the profits had diminished; to which he could only repeat the answer he had given the worthy Alderman last Session; "that he could not expect to have it both ways." Neither the present Government nor the last should be charged with the fluctuations which took place in the condition of the country, any further than it could be shown that the causes of those fluctuations were within their reach. He should only observe, in conclusion, that he should allow the character of wisdom to the measures of Government, at all events, until hon. Gentlemen brought forward specific measures, which they conceived would remedy the evils they complained of.

Mr. *Hunt* said, that with all the powers and research of the worthy Alderman (Waitman), he had not enabled him (Mr. Hunt) to understand the subject, and he should have left the House in ignorance but for the speeches of the hon. member for Bridgenorth (Mr. W. Whitmore) and of the hon. Member near him (Mr. Morison). The hon. member for Bridgenorth had referred to the Corn-laws; and he (Mr. Hunt) rose principally for the purpose of saying, that he had given notice of a motion on that subject. He was an enemy to the corn-laws since 1815, when he had been a large farmer; and he was sure the country would never be in a satisfactory state until that subject was settled. The hon. Gentleman (Mr. Morison) had attempted to convince the House that there was much less distress now in the country than there had been for many years; and the right hon. Gentleman (Mr. P. Thomson) instantly hailed the hon. Member's declaration, and dubbed him "a man of great experience." The hon. Member might have had great experience in France, and Italy, and Piedmont, where, he told the House, he had travelled; but it appeared that he had very little experience in this country. The hon. Member said, that if they went into the cottage of any labourer they would find tea and sugar. That was no proof of comfort, however, for many families might be found consuming tea and sugar, and yet having nothing but rags to cover them. But why did they drink tea with sugar? Because it was a delightful, delicious, and be-

witching beverage. It was the very reverse of all he had said of tobacco, and every one, he believed, liked this beverage. But what else had the cottager? The hon. Member said bread and cheese. That he denied. There was no cheese, and scarcely any bread. The manufacturers of the North were in abject misery. It was said, the cotton-spinners were better off than they had been. They were now enabled to earn from 16s. to 17. 5s. a week, he understood, but then they worked sixteen hours a day, and there was scarcely an instance of a man at that work living beyond forty, such was the effect of excessive labour. He felt that he should not do his duty to those who elected him, if he did not state, that, in his opinion, neither the labouring poor nor those in trade were in any thing like a state of prosperity. In the parish in which he lived (Christchurch, Surrey), there were 1,200 householders, and he heard the Collector state, at the last parish meeting, that there were 600 summonses out against persons who had not paid their taxes. He and his servants entered 6,000 shops every year in his humble trade, and the result of his experience was directly contrary to that of the hon. member for St. Ives. He was sorry to hear Government holding out that the country was in a state of prosperity, as a similar declaration from the late Government had given general dissatisfaction. No doubt the hon. Member's experience in commerce was very great, but in stating his experience as to the amount of distress in the country, he had deluded himself, or was deluding the House and the country.

Mr. *James Morison* explained. His observations were not general, but merely directed to certain great branches of trade.

Sir *Wm. Johnson* stated, that in the manufacturing districts, no workman was at present out of employment unless from his own fault, and there was no time when wages were capable of purchasing so many necessities.

Mr. *Ewart* admitted, that the introduction of machinery might be attended with inconvenience at first; still, however, he should hail every improvement of the kind as a national benefit in the end. He stated, as rather a remarkable and important fact, that within the last week, the first importation of silk took place into Liverpool from the United States.

Mr. *J. Martin* observed, that though

he had been a banker for forty years, he never remembered a period when there was so little commercial distress as at present. A property-tax might be a just tax, considered in the abstract, but income was a bad criterion, and unfortunately the subject admitted of no other.

Mr. Alderman *Waithman*, in reply, insisted that there was great distress in the country at present. As an instance, he would mention the case of a single parish in the City, containing eight hundred householders, two hundred of whom had been summoned before him for poor-rates which they were unable to pay. This fact had not been disproved. The right hon. member for Totness had taunted him with never having brought forward any specific measure on the subject; but he (Mr. Waithman) did not remember to have ever heard of the right hon. member for Totness bringing forward a specific measure, except when he was in Office. "Let him put me," exclaimed Mr. Waithman, "in the same situation before he calls upon me to bring forward a specific measure." He denied that the silk-trade had increased, and concluded by repeating his call upon the Government to turn its attention to the statements he had brought forward.

The Previous Question carried without a division.

APPRENTICES IN FACTORIES.] Mr. *Hobhouse* rose to move for leave to bring in a Bill to repeal the laws relating to Apprentices in Cotton and other Factories, and in Cotton and other Mills, and to make further provisions in lieu thereof. The House had upon a former occasion given its sanction to a bill which he had introduced for regulating the employment of apprentices in factories. With a view to render more effectual the purposes of that measure, he was now induced to move for leave to bring in a Bill to consolidate and extend all the former laws on this subject. It was a satisfaction to him to be now enabled to state, that whereas, when he first proposed to Parliament a measure on this subject, it was opposed by some of the most respectable master manufacturers, he now knew, both from private sources and from the petitions which had been presented to the House, that in proposing this Bill, he did so with the consent of all the master manufacturers who were most interested in the trade, and who were the best judges of what was most

calculated to serve it. In the Bill which he intended to bring forward, he should endeavour to carry into full effect the provisions of the former measure, and he should endeavour by means of it to put down in all factories a system which had given rise to the most calamitous—nay, cruel—results, which he conceived too painful to detail to the House. He understood from the master manufacturers, that unless the House should step forward and interfere so as to put an end to the night-work in the small factories where it was practised, it would be impossible for the large and respectable factories which conformed to the existing law to compete with them. He should also endeavour to carry into effect the provisions of the law, by extending the age under which apprentices should be entitled to the protection of the law, from sixteen, which was the age specified in the existing law, to eighteen. The next point with regard to which he wished to introduce an improvement, was the hours of working. Under the existing law they extended to twelve, and in most factories they were extended to thirteen and a half hours, allowing to the workmen half an hour for breakfast, and half an hour for dinner. He should propose in his bill to limit the hours of actual and constant employment to eleven and a half hours, which was as much as any person under eighteen should be called on to work. Such were the objects of the Bill, which he hoped would procure for it the assistance of the Government, for the more the subject was considered, the more would the necessity appear, of adopting some measure that would put an end to the present practice. The hon. Member concluded by moving for leave to bring in the Bill.

Mr. *Fyler* seconded the Motion, and thanked the hon. Member for bringing the subject under the consideration of the House.

Mr. *Hume* expressed a doubt as to the propriety of the House of Commons coming to the resolution, that no manufacturer should be permitted to have children at night-work under any circumstances.

Mr. *Sadler* gave his cordial concurrence to the proposed measure, and expressed great satisfaction at having heard the statement of the hon. member for Westminster.

Lord *Morpeth* said, that a petition had been forwarded to him from Bradford upon

the subject, which as yet he had not had an opportunity of presenting to the House. He was convinced that some measure of the sort was necessary, for both manufacturers and operatives combined in recommending it. He hoped, therefore, that the House would receive the proposition with all the attention which the justice and humanity of its object required.

Mr. *Littleton* said, that he also had petitions in support of the measure from Stockport and from Chester.

Leave given to bring in the Bill.

WINDSOR CASTLE AND BUCKINGHAM PALACE.] Lord *Althorp* laid before the House certain papers relating to the new palace of St. James's, and to the supply of the furniture of Windsor Castle. The noble Lord then moved that the papers be referred to a Select Committee. He said, that when he first entered upon the duties of the office which he then had the honour to fill, he found in that department a great number of papers relative to the workmen employed upon Buckingham-palace, who complained that money was due to them, and that they were suffering great distress from not being paid their just demands. He had found upon inquiry, that the cause of this, certainly not very reputable, state of affairs was, that the estimates of the works had been so enormously exceeded, that no money was left for the service at the disposal of the Treasury Board. The original estimates that had received the sanction of Parliament amounted to 496,000*l.* and the Lords of the Treasury had thought it proper to sanction a further expenditure of 3,510*l.*, making together the sum total of 499,510*l.* It appeared, however, by the accounts to Midsummer, 1830, that the amount of the sums expended up to that date was 576,353*l.*, being an excess above the estimate of 76,800*l.* and, after allowing about 5,000*l.* for the produce of the sale of certain machinery, would certainly be 71,000*l.* more than there was at first any probability of expending. This related to works already done, but certain it was, that Buckingham Palace was not in a condition to be inhabited, nor any thing like it. The estimate of what remained to be spent upon the building, according to Mr. Nash's account of works not begun, was 21,000*l.* There were works stated to have been ordered by the late King, and not included in the esti-

mate, which amounted to 25,000*l.*, besides a further sum expended upon the gardens of 4,000*l.*, so that the total now to be provided for, above the estimate, was about 121,000*l.* It was not fair to Mr. Nash to place this to his conduct, for many of the works were not calculated for by him, but it would appear, that as far as he was concerned, his estimate was exceeded by 46,000*l.* Before the House could be called upon to vote the sums required to complete these works, it would be necessary that a Committee should inquire why the estimates had been so much exceeded. It was not necessary for him to press upon the House that this was a point which ought to be inquired into, for he was sure that the House would feel as he did upon the subject. The other papers which he had produced related to the recent purchases of furniture for Windsor Castle. In order to arrange the furniture of Windsor Castle, and to check the estimates which were made of the probable expenses, a commission of three persons had been appointed, and after their examination into this part of the subject, they had come to the resolution of sanctioning an outlay which was not to exceed 239,900*l.* This sum of 239,900*l.* was all that they had sanctioned, but in the Lord Chamberlain's office there had been expended upon this account the sum of 287,719*l.*; and in the Lord Steward's department, 1,769*l.*, besides the sum of 3,550*l.* laid out for tapestry, making in the whole the sum of 293,036*l.* The excess above the estimates, after making every deduction, was about 61,000*l.* This arose principally upon the furniture supplied by one single tradesman, whose bill was no less than 203,960*l.* being 60,960*l.* more than was sanctioned for his department, and who would not abate any part of the excess unless his bill was examined and found to be incorrect. The Treasury Board had not refused to pay 35,000*l.* of the excess, if the bill was found to be accurate upon an examination, for the articles supplied had been of so extraordinary a nature, that it was absolutely impossible to make any thing like a fair estimate, and some difficulties therefore existed as to checking his account. But still there remained, after allowing 35,000*l.* an excess of nearly 26,000*l.* Nothing could be more magnificent than the mode in which Windsor Castle was furnished. The furniture was of a de-

scription very difficult for any tradesman to estimate its value, or what the expenses of supplying it might amount to. This, however, was a reason for a Committee to be appointed to inquire into the subject, and to decide whether a sum, if not extravagant, at least so greatly exceeding the estimates, should be voted by the House. He should beg leave to move that the papers be referred to a Select Committee of the House.

Colonel *Sibthorp* was extremely anxious that the just dignity of the Crown should be supported, but he was also desirous that the hard earnings of the poor, that were wrung from them, should not be expended in an extravagant and unjustifiable manner, and he should therefore take the sense of the House as to suspending the works at Buckingham House and Windsor Castle, till they had ascertained the capability of the people of this country to maintain those exorbitant demands, which he must designate as unwarrantable luxuries and superfluous extravagances. These were his honest sentiments; and though he trusted that he should never be wanting in respect for the Crown, he also hoped that the House would go along with him in feeling what also was due to the people.

Mr. *Hunt* stood up for the people of England; and if the House agreed to a Select Committee, he trusted that it would be such a one as would satisfy the public. The country was much indebted to the Press for noticing the profligate, unnecessary, and extravagant expenditure? but if the country had been in the greatest state of prosperity, he should protest against the payment of any portion of the charge till the whole had been investigated by the House. With regard to the taste of the thing, all mankind that had seen it had unanimously decided upon that. He himself had long ago described it at a public meeting as a mixture of mud and magnificence; besides which, it was built at such a place, that if any of the family looked out of the windows they could see nothing but filthy public houses. Never had there been such a miserable affair before; and now that there was 200,000*l.* too much to pay for it, he protested against the payment of a single shilling, till the House was fully informed of the justice of the charge.

Colonel *Davies* reminded the House, that a Committee had been formerly ap-

pointed on this very subject, but it had unfortunately been brought to a very unsatisfactory conclusion; and when he had attempted the next year to renew that Committee, the sense of the House had been against it. Had that Committee been allowed, he should have been able to denounce the individual whom he believed to be the guilty party; and he even now trusted that tardy justice would overtake him. If his (Colonel Davies's) name were placed on the Committee now proposed, he could assure the House that no exertion on his part should be wanting; for never was there a question that had more excited the public attention; and the noble Lord could not have made a more popular proposal than that of the appointment of this Select Committee.

Mr. *Hume* wished to know, if they were to be called on, year after year, to examine into estimates of overrun and unjustifiable expenditure, where the duties of the House were likely to end? If any individuals had incurred this expense without having the sanction of the Parliament for it, let them pay for it. If the late Ministry had taken it on themselves to direct a larger expenditure than the House had sanctioned, he thought that short work ought to be made of it, and that they should be called on to pay. The only question was, whether the tradesmen had received orders or not? If they had not, they must suffer the loss: if they had, those who had given the orders were responsible. He therefore doubted the propriety of taking up the time of the House with these questions. There had been a regular set of Commissioners appointed to superintend these matters, and he should be glad to hear from any of them who were in the House, whether the extra expenditure had or had not been sanctioned by them?

Mr. *Hudson Gurney* said, that he himself had heard the hon. member for Middlesex say, that he wished that a proper Palace should be built for the King of England.

Mr. *Hume* said, that he certainly had said that he wished that a palace should be built once for all; but then he required that the plans and estimates should be laid before Parliament, and that there should be no deviation from them. When Lord Goderich was Chancellor of the Exchequer in that House, he rose on the occasion alluded to, and pledged himself that there should be no excess in the

estimates, and he thought that that noble Lord ought to be impeached in that House for the excess which had taken place.

Sir *J. Sebright* was of opinion, that when estimates were so greatly exceeded, the House was bound to make inquiry by whose authority it had been done. He entertained a most unfeigned respect for the Crown and its dignity, but he must say, that these expenses had done more to give the people a dislike, not for any particular individual, but for the monarchical form of government itself, than any speech that had ever been delivered. If those who managed these affairs chose to go beyond what Parliament had sanctioned, they ought to do it on their own responsibility: the thing should be at their peril, and they ought to be called on to answer for their conduct.

Mr. *Goulburn* had waited to learn what was the feeling of the House on the subject of the noble Lord's motion; and as it appeared to be that the Committee should be granted, he begged to say, that he entirely concurred in such a proposal. As the case stood at present, he was precluded from going further into the question. If, however, he was the person that was to be put upon his trial, he had a right to ask the House to look at the documents before it decided: but if he was not the person, and the accusation referred to some one who had been subordinate to him, he would not say a word then to implicate them, but wait for the testimony of the Committee. For these reasons he forbore, for the present, from saying more than that he concurred in the motion of the noble Lord; at the same time he could not help remarking, that he thought the hon. member for Hertfordshire (Sir *J. Sebright*) had gone rather far in pronouncing upon the character of the expenditure, as it was quite impossible that he could be acquainted with the facts contained in the papers that had just been laid on the Table of the House.

Sir *J. Sebright* had only made a statement on the supposition that the orders had gone beyond what had been sanctioned by Parliament; and it was well known that those estimates had been exceeded, and that there had been a most shameful and scandalous waste of the public money.

Mr. *Goulburn* said, that the hon. Member should wait till he was made acquainted with the facts of the case.

Sir *J. Sebright* said, that in observing that far too large a sum had been expended, he was only expressing the opinion of every individual from one end of the kingdom to the other.

Lord *John Russell* was sure that his hon. friend had not been expressing any opinion as to any individual, but only with regard to the system that had prevailed, of exceeding the expenditure that had been voted by that House: and as to that, he thought that there could be but one opinion in the House. That practice was a most improper one, and showed that there ought to be laid down a fixed rule which should prevent its recurrence—by doing which, they would in future be acting better, and better discharging their duty to their constituents. In the Committee that had been appointed last year, with respect to Windsor Castle, when there was a question of recommending a vote of 100,000*l.*, it was found that 70,000*l.* had already been expended; and in consequence, remarks, in which the late Mr. *Huskisson* had concurred, had been drawn up; and inserted in the Report; and he thought that if that was referred to, they might find some sort of guide for their future proceedings. In that report it was proposed, that before any public work should be commenced, there should be an account laid before that House, together with a yearly statement of how much had been laid out, whether the estimate had been exceeded, and what was the probable amount which would be required to complete the work; by which means Parliament would no longer be voting money blindfold, but be enabled to see its way before them, and either reject the vote as too expensive, or if they chose to go on, be able clearly to see what the amount of the expenditure would be. With respect to the furniture of Windsor Castle, they had not been able to find out how much had been expended beyond the vote of Parliament; and he therefore rejoiced at the appointment of this Committee, because it would enable Parliament to come to some decision on the subject.

Mr. *Calcraft* was the Chairman of the Committee that had been just referred to by the noble Lord; and he agreed that the paragraph in the Report that had been mentioned would be of assistance in the future management of such votes. With respect to the furniture of Windsor Castle,

it was true that a conversation had taken place on the subject; but it was held that it formed no part of the duty of that Committee to inquire minutely into it.

Mr. *Labouchere* had no wish to decide before the Report of the Committee was made; but he agreed with the hon. member for Hertfordshire, that a heavy responsibility attached itself somewhere. He would confess that he had no objection to a liberal vote in favour of Windsor Castle; but with respect to Buckingham Palace, he had quite a different feeling. If, however, he understood the noble Lord aright, there was to be no further expense incurred there; or, at all events, the works, for the present, were suspended.

Lord *Althorp* observed that at present all the works were suspended at Buckingham Palace.

Mr. *Goulburn* was sure that the noble Lord would do him the justice to bear out his position, when he stated, that the moment it was known at the Treasury that the estimates had been exceeded, that moment were the works put a stop to.

Mr. *Cust* said, that any Gentleman who had been over Buckingham Palace would soon see that one reason why there had been so great an expense was, the want of some one to control the architect. He did not say this in allusion to the taste that had been displayed, nor as casting any censure on the architect, but what he meant to contend for was, that it was only by establishing an authority in the Government, whose business it should be to exercise a control, that they could hope to avoid such extravagant expenditure for the future.

Mr. *John Campbell* said, that on the Accession of his present Majesty, it had been stated, that an opening was to be made from Waterloo-place into St. James's-park. He now, however, wished to ask, whether the public expectation was not likely to be altogether disappointed?

Lord *Althorp* was afraid, that he could not give a very satisfactory answer; but what he knew he would state. The works were in such progress, that he had seen the plans and drawings; but he believed that some difficulties arose from the owners and occupiers of houses in Carlton gardens.

Lord *Lowther* said, that there had been a plan, which had been objected to; but when he quitted Office, he had left a plan in the office to which there was no legal objection or difficulty.

Mr. *Hobhouse* said, that this discussion, if not satisfactory to the House, would at least be so to the country; for the admissions made by the noble Lord, and by the noble Paymaster of the Forces, together with the little responsibility which attached to those who kept the public purse, must show that some new arrangement in these matters was necessary. And it was not at all requisite to wait for the decision of the Committee, for the House to come to the opinion, that the public had been most grossly abused by the manner in which this expenditure had been heretofore conducted. It had been well observed, that there was no controlling power over the architect. But was this understood when the vote was required at the hands of Parliament? Was it made known that the demand for that grant was a mere farce, and was to be applied as might suit the absurd, extravagant, *bizarre*, and ridiculous taste of any person who might have the superintendence of the work? The noble Lord had told them, that the orders for the furniture were so extravagant and unheard-of, that no tradesman was able to estimate their expense; and now that the thing was done, it appeared that there was no one to be accountable for the fact. The right hon. member for Armagh (Mr. Goulburn) had very handsomely said, "If there is any blame, let it be divided amongst us; but I do not think that there is any blame." But he begged to ask that right hon. Gentleman one simple question.—Had there not been a gross excess above the amount of the estimate? And if the right hon. Gentleman allowed that, he ought also to be able to tell them on whose responsibility he had permitted it. Nor was this merely a question of pounds, shillings and pence. It ought to be carried still further; for on Mr. Nash's own testimony it appeared, that those expenses had been incurred "in consequence of the orders of his Royal Patron and Master:" he used Mr. Nash's own words. If, then, this was the case, he wanted to know how there had been found a Ministry ready to pander to such commands? In this shape it became a serious constitutional question; and he trusted that as such it would meet with full attention. It was true, that a set of Commissioners had been appointed, but what was it that they had done? Had they limited any expense? Had they placed any restriction upon the operations

of the architect? He had heard of no such thing, so that, in fact, they only figured as a set of dilettanti, who had done nothing at all. He trusted, however, that the House of Commons would learn wisdom from what had gone before, and take care that the game was not played again, to the detriment of all justice, and to the injury of the country.

Mr. *Hughes Hughes* wished to ask, whether it was true, that his present Majesty had declared his determination not to adopt Buckingham Palace as his residence; and if so, to what purpose that building was to be applied?

Lord Althorp was not able to answer that question.

Mr. *Ruthven* was glad that the House appeared to be generally agreed as to the propriety of the appointment of the Committee; for undoubtedly the people had, at least, a right to know how their money was expended.

Colonel *Sibthorp* said, that, understanding from the noble Lord that the works at Buckingham House were suspended, he should not divide the House on that point.

The appointment of the Committee was then agreed to.

Lord Althorp, in moving the names of the Members to form the Committee, observed, that in the question relative to the opening of a passage into St. James's-park, he had been taken by surprise. He now understood that there was no legal difficulty to the undertaking, and the passage to the public would be opened as soon as possible.

THE GAME LAWS.] Lord Althorp said, in bringing forward the Motion of which he had given notice, it was not necessary for him, at that late hour, to press on the House the evil produced by the Game-laws, according to their present enactments. No part of the legislative volume had produced more evil, by inducing to crime, by the infliction of misery, and by the provocation of vice; and the number of able men that were constantly committed to prison, and there learned all sorts of vices, sufficiently showed the bad working of the system. One of the principal causes of this was, that the Game-laws, on the principle which now regulated them, were contrary to the feelings and opinions of the people of England. Instead of giving the owner of land a full right over his own property, the principle of the Game-laws gave ex-

tensive privileges to one particular class. Although it was well known that no one, under the present laws, could preserve game, unless he was the owner of property; yet persons who were the owners of such property had no legal rights to the game upon it. His object, therefore, was, to get rid of these anomalies, and, by placing the laws on a more reasonable basis, to conciliate the feelings of the country towards them, giving them at the same time an equal chance of being willingly obeyed by the people. When the member for Buckinghamshire (The Marquis of Chandos) had proposed to bring forward his bill, he (Lord Althorp) had offered that noble Lord the assistance of the Government on the subject; but when the amendments the Government proposed were submitted to that noble Lord, he stated that they were such as to make his an entirely new bill, and he therefore declined the proposal. At that late hour of the night he did not intend to argue the question at length; he would, however, state the principal regulations which he intended to propose; and though there certainly was a very great difference between the two bills, yet he was bound to say, that his Bill coincided in many points with that of the noble Lord. The noble Lord proposed to repeal all the laws which at present existed with respect to game, and so did he. The great difference between his proposition and that of the noble Lord's was, that the noble Lord preserved a qualification, which he proposed to get rid of. He meant to do away with all qualifications whatever, and allow any person, on paying a sum for a license, which should not be of a very large amount, to be qualified to kill game. The noble Lord permitted the sale of game, so did his Bill. The noble Lord secured the owners of game against fraud, and in this he concurred with the noble Lord, by compelling all the dealers in game to take out a license. He thought it was not desirable to allow every person to sell game who pleased, without any control, as that might encourage depredations on property, and therefore he retained the licensing system. The mode by which he proposed to protect the landowner was, by the law of trespass. He would allow the landowners to carry trespassers on their property before two Justices, by whom they might be summarily punished. There was one important part of the present law intended to

prevent night poaching, which was, he admitted, a great evil; but he believed that increasing the severity of the law had much tended to promote battles and bloodshed. The noble Lord, in his bill, proposed that night poaching should be punished, for the first offence by three months' confinement, and at the end of that, security was to be found for good behaviour; for the second offence the noble Lord proposed six months' imprisonment, also, with security at the end of the confinement; and for the third offence he proposed that it should be regarded as a misdemeanour, and the offender be liable to imprisonment or transportation for seven years. In his (Lord Althorp's) Bill he proposed to make the punishment for the first two offences somewhat higher. For the first offence he proposed four months' imprisonment; for the second offence eight months; and for the third offence he proposed that it should be treated as a misdemeanour, and punished with two years' imprisonment, but not by transportation. He left out that part which required security, because it was plain that to demand security from persons of the description of those who usually committed these offences, was to condemn them to imprisonment for an indefinite period. That was not, he knew, the noble Lord's intention, but that would be the result of demanding security. These were his propositions, and they would, he believed, give persons of all classes and conditions the amusement of sporting. He had thus stated, the difference between his bill and that of the noble Lord. There was, however, another difference, which he had forgotten. By the noble Lord's Bill, if three persons were found together in the fields by night they were rendered liable to transportation for fourteen years. That clause he had wholly omitted. Having thus stated the principal objects of his Bill, he had only to move for leave to bring it in.

Mr. *Bethell* said, that he approved of the measure. He was satisfied that the Game-laws never could be reconciled to the feelings of the people, unless all qualifications whatever were done away. He could say, as a Magistrate, that the present laws were so severe that they could not be executed, and if executed, would do more harm than good.

Sir *J. Shelley* stated, that he was sure the noble Lord would find himself deceived in his expectations of the good he anti-

pated, but he would not oppose the noble Lord's motion.

Mr. *Fyler* expressed great satisfaction at the undertaking of the noble Lord. He was glad to see the measure taken up by the Government, and trusted that it would be successful.

Mr. *Littleton* expressed an opinion in favour of the Bill, but suggested that there should be two licenses—one of little cost, to allow a man to shoot over his own land, and another, to cost a larger sum, to allow him to shoot generally. If a high license were imposed upon a small freeholder, it would operate as a prohibition.

Colonel *Wood* objected to the two licenses proposed by the hon. Member, and wished the Bill to be made as simple as possible. He cordially concurred in the principles of the Bill, and hoped that it might come to a happy issue. He suggested to the noble Lord the propriety of dividing the Bill into two parts, separating the money clauses from all the parts that merely related to game. If the noble Lord retained the money clauses with the Bill for regulating game, and if any amendment were made in the measure in the other House, the whole Bill would be lost. He, therefore, recommended a division.

Sir *J. Sebright* gave his hearty concurrence to the measure. The Game-laws were so bad, that any alteration in them must be for the better; but till to-night he had never heard a plan which gave him full satisfaction upon the point.

Lord *J. Russell* thought it would not be advisable, at the time of doing away the qualification, to lower the license; on the contrary, he thought the price of the game certificate should be raised, and he believed it was the intention of his noble friend to propose to raise it to 5*l.* in the Committee. As to the money clauses, he hoped, before the Bill proceeded so far as the other House, that the two Houses would come to an understanding about their privileges, which would remove the obstacles to passing such bills.

An Honourable Member concurred in the propriety of making game saleable, and in making dealers take out licenses.

Sir *R. Peel* feared, that in discussing the subject of the Game-laws, we were apt to be too sanguine in our anticipations of the advantages to be derived from a particular change. He was afraid we overlooked the love of enterprise and amuse-

ment, which rendered the pursuit of game attractive to the common people as well as to their superiors. It was exceedingly difficult to find an adequate remedy for the evils that existed under the present system; at the same time, he thought the Game-laws so defective in principle, that a proposition for a change ought to be listened to with attention; but he again cautioned the House against entertaining extravagant expectations. The noble Lord said, he would do away with the law relating to qualifications, and it was so absurd, that it was impossible to say a single word in its favour. It was not exactly fair however to say, that the noble Lord's plan would confer the same privilege upon the small as upon the large proprietor. The man who possessed only a single acre must pay 5*l.* for a certificate, while he who had 5,000 acres paid no more. Now, to the former, the permission to kill game was no privilege at such a cost; the privilege not being worth the price paid for its enjoyment. He thought the remedy of the hon. member for Staffordshire—namely, to have two licenses,—impracticable;—difficult if not impossible to be acted on, and vexatious in practice. He did not know, too, why a man might not shoot over his neighbour's land, if that neighbour pleased, without paying additionally. He feared, that after the noble Lord's plan should have been adopted, much the same temptation would exist with respect to the class of poachers as at present. Nay, it was possible that this measure, however well intended, might add to the vexation of the present system,—that it would multiply the number of game preservers, embody a new class of supporters of the Game-laws, and occasion greater jealousy than now existed. As a friendly opponent of the noble Lord, he recommended him not to repeal the Act prohibiting night poaching, and the assemblage of great bodies of armed men by night—a monstrous and dangerous evil. It was possible, that legalizing the sale of game might afford some encouragement to poaching. He approved of doing away the qualification and of legalizing the sale of game; but he hoped the noble Lord would not be too precipitate.

An Honourable Member was glad the qualification was done away, and he should support the Bill, because he wished to see the Game-laws simplified. The open sale of game might have the effect of putting

down poaching, as legalizing the sale of venison had put a stop to the illegal destruction of deer.

Lord *Morpeth* returned thanks to his noble friend for the very sound and satisfactory measure which he had introduced. It afforded one more proof, in addition to the many already given of his noble friend's disposition to use his newly acquired power, he would not say at the expense of the few, but he would say for the benefit of the many. He thought his noble friend had acted well in not confining himself to petty changes or modifications of a bad system, and approved of his deciding that an amusement congenial to the human mind (as the right hon. Baronet had intimated) should not be made the monopoly of any particular class of men. He entirely approved of the principle of the measure, and should give the Bill his most cordial support in every stage of its progress.

Mr. *Weyland* supported the proposition. He was of opinion that the Bill would considerably diminish, if not altogether do away with, the evil of poaching. When the market for game was released from its present trammels, it would be regulated like any other market. He was confident, too, that the proposed measure would in no wise interfere with the sports of the country gentlemen. He believed, however, that it would put an end to preserves, for as the small landowners would be able to kill game, they would destroy that which their rich neighbours wished to preserve.

The *Attorney General* observed, that considering the Bill diminished the temptation to poaching, and got rid of qualifications, and that it was desirable that it should meet with no opposition in another place, he wished that the tone of discouragement which had been used had not been adopted. An important object of the Bill was, to do away with the severe and cruel punishment of those who were guilty of poaching—a crime which was the natural offspring of bad laws. It was a crime which the ordinary laws were competent to punish, and therefore there was no need of enacting perpetual extraordinary laws. Justice was, in fact, defeated by the reluctance of Juries to convict under those laws. At the Quarter Sessions, indeed, an opposite feeling was supposed to exist; the Magistrates there were suspected, and not unnaturally, of

leaning to the severest punishment, from personal feeling, not from a principle of justice. Such a system tended to confound in people's minds the notions of right and wrong; and for these reasons he trusted that a genuine and hearty support would be given to the Bill.

Sir *T. Fremantle* denied, that personal feelings swayed Magistrates at Quarter Sessions. His experience was very much in favour of the leniency of the Quarter Sessions; and he knew that prosecutors preferred carrying their cases to the Assizes rather than to the Quarter Sessions. He was surprised that the noble Lord had not modified the bill of the noble Lord, the member for Bucks (Lord Chandos), which had been read a second time, instead of introducing a new bill. He regretted that he should feel obliged to oppose the Bill.

Mr. *Benett* believed, that the present Bill would give satisfaction to the country. He objected to the raising of the licenses, as it would take the privilege of sporting from the small occupiers of land; he hoped that point would be reconsidered. The legalising the sale of game would have the effect of rendering game too cheap to make poaching profitable. He denied, that Magistrates at Quarter Sessions were actuated by personal feelings, or acted with severity, in administering the Game-laws. For his own part, he never sat on any trial of a poaching case.

Mr. *Hunt* said, that the only good part of the Bill was the repeal of the old law; in other respects he did not see that the noble Lord could expect much from his Bill. As to doing away with poaching, it was quite out of the question, so long as there were large game preserves, where pheasants ran about as tame as poultry; the temptation was too great for labourers employed in the roads at 2s. 6d. and 3s. a week. The only mode of getting rid of poaching was to do away with the temptation. If the noble Lord could prevent game preserves, and disperse game over the land, making the farmers who fed the game the natural preservers of it, they would then have sufficient for their friends and their landlords, and would themselves prevent poaching. He disapproved of the power given to arrest unqualified persons, and take them before a Magistrate. When hot-headed young men, having guns in their hands, were placed in that situation, there would be great danger of bloodshed. The more lenient the measure, the less

disposed would the poachers be to go in great bodies to resist it. Lord Radnor had adopted his (Mr. Hunt's) plan, which was to turn off all his gamekeepers, and by doing so he had plenty of game for himself and his friends, and had put an end to all poaching. He thought that charging 5*l.* for a license was likely to produce a deficiency in the revenue rather than any increase of it; and he was sure that 2*l.* would bring in a much larger sum.

Mr. *Philip Howard* heartily concurred in the Bill proposed by the noble Lord, which was a repeal of the most odious remnant of the feudal code, and would be hailed with satisfaction by the country, and by no body of men more than by the yeomanry of Cumberland, a numerous and independent class, who truly, as Shakespeare says,

"Show the mettle of their pastures."

The only part from which he must dissent was, the introduction of a high scale of license; because, to offer the privilege of shooting, on paying 5*l.* to those possessing, for instance, merely 80*l.* or 100*l.*, amounted nearly to a refusal of the boon; and if such was the feeling of the House, he trusted his Majesty's Ministers would allow that clause to be altered before the Bill was committed.

Lord *Althorp* made a short reply. He did not expect that the Bill would do away with poaching altogether, but he thought that it would greatly diminish it. As to the licenses, the proper time for discussing that point would be in the Committee. He pledged himself to no opinion. When the Bill went into committee, the House might adopt his proposition of 5*l.*, or decide on a smaller sum.

In answer to a question from Sir R. Peel, the noble Lord said, that although he had decided upon retaining the power of summary conviction, he doubted whether it would be proper to give the power of arrest to preservers of game. He also said, that he did not mean to extend the provisions of the Bill to Ireland.

Leave given, Bill brought in, and read a first time.

HOUSE OF COMMONS,

Wednesday, Feb. 16, 1831.

[MINUTES.] Bills brought in. To amend the Act for taking an account of the Population in Ireland (Census Act). To amend the Irish Election Acts.

Returns ordered. On the Motion of Mr. *HUME*, in detail, under separate heads, of the expenditure of 12,000*l.*, entered amongst the Miscellaneous Payments of 1829, as

paid out of the Consolidated Fund in Ireland, for forming Tables of names of Parishes in Ireland in that year, and under what authority the same has been paid; also, an account of the sums already paid for that service, and an estimate of how much more will be required to complete the same Tables:—On the Motion of Mr. *ELLICE*, the quantity of entered Wine remaining on hand on January 1st, 1830 and 1831, and amount of Duty paid on Wine in 1829 and 1830; also, all Local Dues levied on Coals in the different parts of Ireland.

Petitions presented. For a Reform in Parliament, by Mr. *HUME*, from St. Mary-la-bonne, from St. Pancras, and twelve, from different places in Scotland:—By Sir M. S. *STEWART*, from Little Dunkeld:—By Colonel *ABERCROMBIE*, from the Inhabitants of Alloa:—By Sir *JAMES CARNEGIE*, from the Incorporations of Queen's Ferry and Inverkeithing. By Sir *J. NEWPORT*, from persons in the City of Waterford, against further Grants to the Kildare-street Society; and from forty Protestants of Waterford, for the Repeal of the Vestry Acts. For a General Fast, by Mr. *CURTEIS*, from Hastings:—By Mr. *LEFROY*, from a parish in Dublin:—By Mr. *F. BUXTON*, from Norwich. Complaining of Distress, and for an Alteration in the Tithe Laws, by Mr. *CURTEIS*, from certain Agriculturists from Sussex. Complaining of Distress, by Mr. *MUNDAY*, from the Workers of Lead Mines in Leicestershire. By Sir *G. MURRAY*, from Perth, for the Repeal of the Duty on Printed Calicoes. Against Slavery, by Sir *T. ACLAND*, from Morley:—By Mr. *HUGHES HUGHES*, from various bodies of Dissenters. For the Repeal of the Duty on Coals, by Mr. *SEVERN*, from Fowey.

WESTERN PART OF IRELAND.] Mr. *Dominick Browne* said, that he had three Petitions to present from the western part of Ireland, relating to the want of Food in that district; but that, in the thin attendance of Members, he would confine himself to presenting one of them, and would reserve the others for to-morrow. The hon. Gentleman stated, that the distress which existed in that part of Ireland, from the want of employment, and the apprehension of the speedy want of food, was extreme. Whatever might be the cause of that distress, he conceived that it was the duty of his Majesty's Government to take means to prevent the inhabitants from being reduced to absolute starvation. The distress had been greatly increased by the run upon the banks, which had affected, not only the lower, but the middle classes in Galway and Sligo; it having been impossible to get large and good bills discounted on any terms. Along the whole of the coast there had been a complete failure in the potatoe crop. These circumstances, added to the reduction of the duty on barilla, and other causes, had driven the people into a state of the utmost destitution. He had it on the authority, not of the petitioners only, but of the Marquis of Sligo, and other highly respectable individuals, that there was not a month's provision in hand. Unless some interference speedily took place, it was to be feared that the dreadful scenes of 1792

would be renewed ; aggravated by that distress among the higher orders which prevented them from employing and relieving the lower. The petitioners did not pray for money ; all that they required was employment, by which they might obtain the necessaries of life. They were willing to work for 4*d.* or 6*d.* per day. He would now present the least important of the three petitions, which was from the inhabitants of Lettermullin, in the county of Galway, engaged in the kelp trade.

PARLIAMENTARY REFORM.] Lord *Ebrington* presented a Petition, praying for Parliamentary Reform, agreed to at a public meeting, without a single dissenting voice, and signed by between six and seven thousand freeholders and inhabitants, paying rates and taxes, of the county of Devon. The noble Lord observed, that it was well known that the county of Devon had repeatedly petitioned for Parliamentary Reform, but it was a peculiar feature of the present petition, that among the signatures attached to it were the names of several highly respectable persons, who had never before expressed an opinion in favour of a Reform in Parliament. There would have been more signatures to the petition, had not a number of persons conceived, that, as the question had been at length taken up by the Ministers of the Crown, it was no longer necessary for the people to make their usual exertions ; an opinion which, he regarded as erroneous. On one point connected with Parliamentary Reform—he meant the election by ballot—he would not then enter ; but he should not do his duty to the House if he did not state, that that question was making great progress in the county which he had the honour to represent, and, as he had reason to believe, throughout the whole kingdom. He could not conclude without congratulating his constituents, and the country, that that prayer which they had so often made to the House was now in a fair way of being granted.—He moved that the Petition do lie on the Table.

Sir *Thomas Acland* seconded the Motion, and bore testimony to the highly respectable character of the petitioners. His noble colleague had said, that the petition was signed by several persons who had never before expressed an opinion in favour of a Reform in Parliament. He himself (Sir T. Acland) had attended the meeting

from which the petition emanated, for the first time, with sentiments favourable to Reform, and in accordance with those of the petitioners ; he was satisfied, however, that the time had now arrived when Parliamentary Reform was highly expedient. He would not go at that moment into the question of Reform, as abundant opportunities would soon offer themselves for the expression of his opinions. Those opinions he had stated at the meeting of the county of Devon, though, perhaps not so strongly as he felt them, and further reflection confirmed him in them. He hoped, however, that the course taken by his Majesty's Government and the House would be marked by caution as well as by firmness, and that the deliberations of Parliament on the subject would exhibit that regard to the ancient and venerable institutions of the country which was perfectly consistent with the reparation of those defects which time had produced in them.

IRELAND.] Lord *Killeen* presented Petitions from several parishes in the county of Meath ; some against the Tithe System, others against the Vestry Laws. On presenting a petition from another parish, praying for a Repeal of the Union, his Lordship expressed his regret that he could not concur with the petitioners. At the same time, he hoped, and was indeed sure, that his Majesty's Government would seriously turn their attention to relieve the various grievances under which the people of Ireland laboured ; and he had no doubt that, before the end of the Session, the people of Ireland would be convinced of that which he (Lord Killeen) never doubted—that Parliament and the people of this country deeply sympathised in their sufferings, and were prepared to exert themselves in their behalf.

Mr. *Stanley* perfectly concurred in the sentiment of the noble Lord, that no indifference existed either on the part of his Majesty's Ministers, or on the part of this country, with respect to the condition of Ireland. Without going into questions which might more properly be discussed on future occasions, he would simply state, that the attention of his Majesty's Ministers was now directed to the introduction of such measures as, in their opinion were most calculated to remedy the grievances of which the people of Ireland justly complained.

TITHES.] Mr. *Hume* in presenting petitions from the Owners and Occupiers of Land at Winterburn and Gessing, for a Commutation of Tithes, both numerous and respectfully signed, observed, that it was time for the House to attend to the subject, since it excited so much attention out of doors. When the tithes were felt as a grievance in England, it was not to be wondered at that they were regarded by the Irish as a monstrous oppression. In Winterburn, the sum levied for tithes had been raised within a few years from 300*l.* to 1000*l.* a year. In that parish, the tithes and poor-rates exceeded 16*s.* per acre. He was sure, if something were not done to reform the tithe-system, the Church Establishment would fall into general disrepute.

Colonel *Tyrrell* deprecated the hon. member for Middlesex entering into such discussions on the presentation of petitions. He should like to see a measure of commutation if it proceeded from any other Member. If it came from the hon. member for Middlesex, he should regard it with mistrust.

Mr. *John Campbell* hoped, that his Majesty's Ministers would take up the subject of commutation. He took that opportunity of saying, that he could not conceive that there was any difference as far as commutation was concerned between lay and ecclesiastical impropriations.

Sir *Robert Inglis* would on that, and every occasion, repeat, that tithes were as much property as any other species of income.

Mr. *Benett* had no wish to deprive the Church of any property, but he conceived that a commutation would be advantageous to all parties.

Mr. *D. W. Harvey* was surprised that any man who was a friend to the Church should contend for tithes. He had a petition to present from a parish of Essex, signed by twenty-four persons, who used, either as owners or tenants, 1,200 acres. The average rack-rent was 20*s.* per acre, and they had to pay 8*s.* an acre to an absent Rector. A Curate attended three parishes, and performed divine service in their parish once in three weeks; was not that enough to disgust these people with the Church of England? That Church took tithes to the amount of 3,000,000*l.* a year at least, though he believed they might be estimated at 5,000,000*l.* When it was said that these were a sacred spe-

cies of property, he must reply, that they were given for the payment of religious services, and when not appropriated to that, they ought to cease. On these principles, what claim could the Rector he had before alluded to have on the tithes of a parish he never visited. The present method of paying the clergy was not at all calculated to promote harmony between them and their flocks, and the well-being of the Church itself required that some reformation should speedily take place.

Mr. *Nicholson Calvert* suggested, that the subject should be discussed by a formal motion, not in presenting petitions.

Petitions laid on the Table.

Mr. *Hume*, in moving that they be printed, declared that he was not an enemy to the Church, but those were who sought to preserve the abuses under which all its virtues and even its utility were totally stifled. Parliament had a right to regulate the affair of the Church, and he hoped that Parliament would exercise that right in appropriating its property so as to adapt it more than at present to promote the public welfare.

Colonel *Tyrrell* thought, that the remarks made by the hon. member for Middlesex and by the hon. member for Colchester were not conceived in a friendly spirit towards the Church. Before they made their attacks they ought to give notice, so that those interested in defending the Church might be prepared.

Petition to be printed.

EMPLOYMENT OF THE POOR.] Mr. *Briscoe* moved for leave to bring in a Bill to amend the 59th of Geo. 3rd, c. 12., as far as it relates to the letting and leasing of Land to labourers. The object he had in view was, to repeal that clause of the Act which limited parish overseers to twenty acres as the quantity of land which they were allowed to purchase and let to the poor. The amendment he meant to propose would be, he was convinced, productive of great good.

Mr. *Sturges Bourne* approved of the proposed alteration. He happened to know, that the Act had effected great good, and he believed would effect more than at present if the Amendment were carried into effect.

Mr. *J. Smith* also supported the Motion. In a village of Sussex, with which he was connected, the greatest benefits had been experienced by acting on such

a plan. Many persons had accepted small spots of ground on condition of not receiving parish relief. They had all done well, and brought up large families.

Sir *J. Shelley* was of opinion, that parishes ought to take a quantity of land, in order to give employment to their own poor; and thus in some measure enable the pauper to contribute to his own support. He, too, knew from experience, that such a plan had been followed by the most beneficial effects.

Mr. *Portman* feared that such a plan would be impracticable with regard to parishes, but private individuals might let out small portions of land to poor men, who would thus be enabled to support themselves without entirely depending on parish assistance, and who would, consequently, raise themselves above the degraded state in which they now were. However, he must say, that rather than see the present system patched up in this manner, he should wish Parliament to repeal most of the Acts on the subject, till they got back to the Act of Elizabeth. This was a subject which his Majesty's Ministers must speedily take into their consideration.

Lord *Althorp* said, his Majesty's Ministers had the question of the Poor-laws now under their consideration, but they found it was a difficult subject on which to come to any satisfactory conclusion. It would be most imprudent to take any ill-advised step on the subject. If the system of partly paying the labourer wages out of the poor-rates could be got rid of, the administration of those laws would be much improved. The proposition of the hon. member for Surrey had his approbation, so far as he understood it.

Mr. *Calcraft* thought, the true cause of the evil was to be found in a most redundant population. No good could be done till the effect of that evil could be remedied.

Mr. *Sadler* denied, that there was any redundancy of the labouring population, and observed, that the evils of the Poor-laws were to be attributed to very different causes. So long as there were so many thousand acres uncultivated, he could not see how any one could assert that we possessed a redundant population.

Mr. *Tennant* thought, that by emigration alone was the country to be saved from a dreadful convulsion.

Leave was given to bring in the Bill.

REDUCTION OF OFFICES.] On the Motion of Lord *Althorp*, the Order of the Day was read for the House to resolve itself into a Committee of Supply.

Mr. *G. Dawson* asked the noble Lord, what was the amount of salaries saved to the public by the reduction of the 210 offices, which the noble Lord stated that he had abolished? He also wished to know, what was the additional amount of superannuation that would become charged on the revenue by the reduction of these offices; but he was more desirous of receiving an answer to the first of these questions.

Lord *Althorp* said, that he could not give an exact answer to the right hon. Gentleman on either of these questions. He had not yet had an opportunity of accurately ascertaining what would be the amount saved; but he wished to remind the right hon. Gentleman, that when he announced the reduction, he did not announce it as a saving of salaries, so much as a giving up of patronage.

Mr. *G. Dawson* thought the information ought to be furnished.

Lord *Althorp* repeated, that at this moment he could not give the information required. If he were to look at the amount of salaries attached to the places that had been abolished, he might be enabled to make a rough calculation; but that would not give the House a clear idea of the saving; for, in many instances, the superannuation allowance was considerable. The principle, however, on which the Government had acted was this, that all places which were useless, they ought to be abolished at once, without reference to the amount of saving, or to the amount of the superannuation that might be attached to the office.

Mr. *Hume* hoped, that the noble Lord would not fix the amount of superannuation for these abolished offices, till it was known whether some of these persons might not be required to give their services in other offices. He had known instances in which offices had been abolished, and superannuations created, and then fresh persons had been appointed to fill vacancies in other offices, instead of those offices being filled by some of the persons whose offices had been abolished. He hoped the noble Lord would not imitate this example.

Lord *Althorp* said, it was the intention of Government, in every possible case, to

fill up vacancies in offices of efficient service, by the appointment of persons from the redundant offices. He did not take any particular credit for this, because he believed that the practice had been begun by the late Government.

THE IRISH GOVERNMENT AND MR. O'CONNELL.] Mr. *Stanley* addressed the House in the following terms :—I shall avail myself, Mr. Speaker, of this opportunity to give the House more full and explicit information than I was able, on a former day, to give a noble Lord who put a question to me regarding certain proceedings which have recently taken place in Dublin. It will be in the recollection of many Gentlemen, that the trial of Mr. O'Connell and his associates only took place in Dublin on the morning of Saturday last, and that a question was put to me by a noble Lord, on the evening of Monday, as to whether any terms had been entered into with that Gentleman by the Government—whether any compromise had been made with him—and as to whether the law would be permitted to take its course against him, now that he had at length admitted that he had violated it. I appeal to the recollection of the House, whether the terms of which I made use in answering that question were not as follow :—“ That no terms whatever had either been offered to, or made with, Mr. O'Connell; that in consequence of the exertions of Mr. O'Connell's friends, Mr. O'Connell had been informed, that he had placed himself and the country in such a situation as rendered it impossible for the Government, consistently with its dignity, to recede from the position which it had taken against him;—that Mr. O'Connell must therefore act as he thought most expedient for himself—that he must be the best judge of what his own conduct ought to be—and that it was the unalterable determination of the law-officers in Ireland, to let the law take its course against him.” At the time I used those expressions, I had only received a letter containing the information of his trial and of his conviction. I have received this morning a letter from the Attorney General of Ireland, containing a more detailed account of those transactions; and as I am anxious to avoid any misrepresentation, and indeed to disabuse the public mind from any attempt at misrepresentation of those transactions, I will, for the sake

of corroborating the expressions which I formerly made use of, read the statement made to me by the Attorney General for Ireland, even though it be contained in a private letter. I am willing to read the whole of the letter, if the House require it. It contains nothing of particular importance, and therefore an extract from it will, perhaps, do quite as well. I must, however, premise, by way of explanation of it, one circumstance, which I have no doubt is in the recollection of the House. The House is aware that the original indictment against Mr. O'Connell and his associates consisted of a great variety of counts, of which the first fourteen charged the defendants with having repeatedly held illegal assemblies, in violation of the proclamation of the Lord Lieutenant; and the last sixteen charged them with having conspired together to hold such illegal meetings. To the first fourteen counts Mr. O'Connell demurred—to the last sixteen he put in a plea of Not Guilty. I believe—and if I am wrong in that belief I know that I shall be corrected by some of the learned Gentlemen around me,—I believe that the effect of Mr. O'Connell's demurring to the first fourteen counts, if the point of law were decided against him, would be, that judgment would pass against him without the intervention of a Jury. Mr. O'Connell subsequently appearing not to have so favourable an opinion of the law of his case as he had originally, argued, that he was entitled to withdraw his demurrer against the first fourteen counts, and to plead to them that he was Not Guilty. To this the Court of King's Bench, after some debate, assented, and the trial was fixed, on the application of the Attorney General, who wished the earliest possible day to be appointed for it, on Thursday, the 17th instant. Mr. O'Connell having made two subsequent applications—I do not say for the mere purpose of delay, though they certainly produced delay,—saying, on the first application, to the officer who was to strike the Jury, that though he had had twenty-four hours' notice of his intention to strike the panel, he had not had one clear day's notice of it, and insisting, on his second application, after the officer had nominated forty-eight jurors, who were afterwards to be reduced to twenty-four, by each party striking out twelve, that he ought to have time to the next day to deliberate on the persons whom he

should object to, and the Sheriff having yielded to both his applications, it became impossible, as a Special Jury must be summoned six clear days previously to the day of trial before a fine for non-attendance could be imposed upon them,—it became impossible, I say, for the Attorney General to bring on the trial on the 17th, the day originally appointed for it. I now come to the Attorney General's own words; and if any Gentleman requires it, I have no objection, though I do not think it material, to read the whole letter. "I therefore on Friday gave him notice, that I would on the next day apply to the Court to fix a later day for the trial than the 17th, this led to a verbal message from Mr. O'Connell to me, through the Crown solicitor, to request that I would postpone the trial to the next Term. To this I answered, that any communication to me must be in writing. Accordingly, he wrote to me on Friday evening, and on Saturday morning received a peremptory refusal. It was not difficult to collect from all this, that O'Connell never would encounter a Jury; and, to say the truth, I was, for some days, convinced that he would plead guilty rather than do so. I therefore, on Saturday, spoke to his counsel, and told him, that as to time or terms, none would be granted, but that, as I must have had judgment against O'Connell and his associates had the demurrers been argued on the fourteen counts of the indictment, and as in that case I should most certainly have entered a *noli prosequi* on the other counts, which were in their nature subsidiary to the others, I was willing to be satisfied with a conviction ensuring me the same extent of advantage that I felt the King's Bench had deprived me of. In ten minutes after I had made this offer it was acceded to, and in half an hour after, made the rule of the Court, Mr. Green and Mr. Perrin having previously appeared for the other traversers." Such is the statement of the Attorney General for Ireland, and I think that the House will agree with me, that it completely bears me out in the assertion which I made on a former evening, that the Government had entered into no negotiation with Mr. O'Connell; that it had not made any compromise, or even the slightest shadow of any compromise, with Mr. O'Connell; and that it had expressed its unalterable determination to be, that let Mr. O'Connell

act as he pleased, judgment should be pressed against him. The Crown having thus obtained, without the slightest compromise, a conviction against Mr. O'Connell and his associates on the first fourteen counts of the indictment, did not think it right to proceed against them on the last sixteen counts, which charged them with a conspiracy. In adopting that course of procedure, the Crown acted upon the lenient principle adopted by ordinary prosecutors at the ordinary assizes; and I am of opinion, that if such lenity be advisable towards the culprits at ordinary assizes, it is still more advisable and expedient when exhibited towards a political opponent. Indeed, I am sure that if the Crown had persevered in its original intention of going to the Jury on the last sixteen counts of the indictment, it would have given to the transaction an appearance, not of justice, but of persecution. In pursuing the course which it has done, the Crown has treated Mr. O'Connell as it would have treated any other individual—it has vindicated the outraged law; and, by so doing, has inspired the discontented with awe, and the well-affected with confidence. It has procured a verdict against Mr. O'Connell, and it will, undoubtedly, call him up to receive judgment upon it. I only mention these circumstances to prevent it from being said in any quarter, either on this or on the other side of the Channel, that the Government either offered terms to, or made terms with, Mr. O'Connell. I put it to the House, I put it to every man of plain, straight-forward common sense, whether by any quibble it can be said that the written communication between Mr. O'Connell and the Attorney General was offering terms. I have now mentioned all the facts connected with these transactions, and I appeal to the House, whether I am not fully borne out by them in the statement which I originally made to the House,—that not any, the slightest compromise has been made by the Irish Government with Mr. O'Connell, to induce him to plead guilty to the first fourteen counts of the indictment preferred against him.

The Marquis of Chandos was much obliged to the right hon Secretary for Ireland, for the information just communicated to the House. It would be satisfactory, not only to that House, but to every honest man in every part of the empire.

The Order of the Day read, and the Committee deferred.

WAYS AND MEANS.] On the Motion of Lord Althorp, the House resolved itself into a Committee of Ways and Means.

Lord Althorp then moved three Resolutions—"That twelve millions be raised by Exchequer Bills for the service of this year—That two millions, part of the sum now in the Exchequer, or remaining to be received for the year 1830, be applied to the service of the year 1831—That 60,000*l.* to be paid into the Exchequer for the expenses of retiring pay and allowances to the India forces, &c. be applied to the service of the year 1831—That any sum paid into the Exchequer before the 5th of April, 1832, in respect of Exchequer Bills issued for carrying on the Public Works for the United Kingdom, should also be so issued and applied."

Resolutions agreed to House resumed.

DUTY ON COTTON.] Lord Althorp moved the Order of the Day for the House to resolve itself into a Committee on the Excise Acts.

Mr. Wilson Patten took that opportunity of putting a question to the noble Lord. In consequence of what it was supposed the noble Lord had said, in answer to a question from the hon. Alderman opposite, a great panic had arisen among the exporters of cotton manufactures, from the idea that the drawback was to be refused on exportation. That idea had caused many of the Merchants of Liverpool to withdraw their orders, and he now wished to ask the noble Lord, whether it was his intention immediately to alter the law with respect to the drawbacks.

Lord Althorp said, that in the answer he had given to the hon. Alderman opposite, he had confined himself to making allowances to the holders of stock for the goods in hand. He would now, however, add, that he had no intention to deprive the parties of the benefit of the drawbacks allowed by law, until all the arrangements he proposed were finally made. Those arrangements could not be completed at once, as it was necessary for him to communicate with the persons interested in the trade; for he repeated what he had before said, that he considered this tax as a commutation tax.

Mr. Herries observed, that the interests

of all the persons connected with trades likely to be affected by the noble Lord's measures, required him to come to a decision as soon as he could.

Mr. Hume hoped the noble Lord would persevere in withdrawing the duty on calicoes, and would not persevere in imposing the duty on raw cottons. He thought they might save this, and some other duties, if they would reduce the expenses of our military establishment.

Sir J. Graham observed, that his Majesty's Ministers were fully convinced of the necessity of coming to a speedy decision, but there was a difficulty in doing this, for the delicacy of the interests in question had prevented his noble friend from obtaining any information from persons connected with the trade, until his measures were publicly announced; for any previous declaration of this nature might have been extremely injurious. Since that announcement, he had been attended by many of the parties interested in this question; and after having received their statements, the Ministers would make up their minds as speedily as possible, and, having fixed their determination, would announce it at once. After all that had been said lately about keeping faith with the public creditor, he wished to take that opportunity of saying, that Ministers would take no step that would place the punctual payment of the public creditor for one moment in doubt. The only remaining point for him to notice was, the recommendation of the hon. member for Middlesex to reduce the military establishments of the country, and by that means to reduce the public expenditure in such a manner as to preserve the promised reductions in taxes. When the Estimates came before the House, the Ministers would be prepared to vindicate the grant which they would have to ask from the House, and he should be deceived if that House was found wanting in acceding to any grant that might be required for the maintenance of the honour and dignity of the country.

Colonel Tyrell wished to put a question to the noble Lord, relating to the repeal of the duty on Candles. He wished to know, whether the determination of Ministers was irrevocable, or whether they would consent to alter their proposition so as to repeal the duty immediately, and not to delay it until the 10th of October. The immediate repeal would be a saving of a

penny in the pound to the poor. To postpone it would cost the candle manufacturers a considerable sum, and he hoped, therefore, that the noble Lord would be ready to immediately repeal it.

Lord *Althorp* replied, that he had had communications with large numbers of persons connected with the trade, who had entreated him not to take off the duty until the 10th of October. These persons had assigned such good reasons in support of their entreaty, that it was his intention to persevere in the course which he had proposed to take.

Mr. *Calcraft* was extremely well pleased, that the tax on printed calicoes was to be removed. He knew no tax in the whole circle of taxation that was so extremely obnoxious to him. Perhaps, however, his objection to the tax to be imposed on raw cotton was quite as strong. He believed that it would be easy to find a substitute for the tax on cotton, and he would strongly recommend the noble Lord not to persevere in imposing it. He must also take that opportunity of stating his strong objection to the tax upon Steam-boats. He thought that many preferable objects of taxation might have been found. He certainly should oppose it if it were pressed.

Sir *E. Knatchbull* must also express a hope, that the noble Lord would not persevere in that tax. He would merely put it to the noble Lord to consider what a great advantage this tax would give to the steam-boats of foreigners over those of our own country.

Mr. *Tennant* would take this opportunity of suggesting to the noble Lord the imprudence of pressing the proposed tax on the export of coals. It would operate, in fact, as a prohibitory duty, and militate considerably against the interests of the coal-owners in South Wales.

Mr. *P. Thomson* observed, that the duty on the export of coals would be lower hereafter than it had been. As to the duty on steam-boats, Ministers would be most happy to avail themselves of the assistance of the right hon. Gentleman (Mr. *Calcraft*) in finding a preferable substitute: they only regretted that he had placed himself in a situation which rendered it impossible for them to enjoy the benefit of his great experience.

Mr. *Herries* asked, if the proposed duty of 10s. was not on the long chaldron, and would it not, in fact, be 5s. on the ordinary chaldron?

Mr. *P. Thomson* answered in the affirmative.

Mr. *Callaghan* would oppose the tax on cotton, which *quoad* Ireland was an increase of burthens, and no relief.

TAX ON CANDLES.] The House went into a Committee on the Excise Acts.

Mr. *Herries* said, that he did not rise to oppose the Speaker's leaving the Chair, because he understood that the noble Lord intended, to-night, to confine himself to the Resolutions respecting Coals and Candles. If this were so, he would not detain the House on the present occasion; but he begged it to be understood, that he reserved to himself the right of entering fully into the discussion of the other parts of the noble Lord's Budget.

Lord *Althorp* did not suppose that any observations were necessary, to show the utility of abolishing the tax on Candles. It would relieve all those who possessed the raw material of this useful manufacture from the restraints of the Excise laws. Labourers, and small farmers, and other persons so disposed, might, should this tax be abolished, make their own candles without any restriction. The reduction which the abolition of the tax would cause in the price of the article, would be a great benefit to the poor, and he therefore should content himself by moving "That the duties on Candles made in Great Britain, and on Candles made in Ireland, and brought from thence into Great Britain, and on Licenses taken out by makers of Candles in Great Britain and Ireland, and all drawbacks granted and payable on the removal of Candles from Great Britain to Ireland, and on the exportation of Candles to foreign parts, shall cease and determine."

Resolution agreed to, and the House resumed.

COAL DUTIES.] The House resolved itself into a Committee on the Customs Act.

Lord *Althorp* moved, "That all duties and drawbacks of Customs payable on Coals, Culm, or Cinders, and on Slates brought or sent from one part of the United Kingdom to another part thereof, do cease and determine."

Mr. *Herries* did not mean to oppose the reduction of the duty, which he thought a most proper one to be reduced; but he also thought it would be found difficult to dispense with it.

Mr. *Warburton* said, it would be impossible wholly to dispense with this duty, and he hoped that the country gentlemen would consent to make some commutation of taxes, in order to allow this repeal not to be disadvantageous to the Government. Such a commutation was that proposed on timber, which would yield from 700,000*l.* to 800,000*l.* a year. He hoped the landed gentlemen would not oppose that tax.

Mr. *Curteis* said, that removing the tax on coals was no particular advantage to the landowners; on the contrary, those who had much woodland might be injured by it.

Resolution agreed to.

Lord *Althorp* then rose to propose the imposition of a duty on coals, when exported. The modification he meant to introduce in the tax would, he believed, be advantageous to the coal-owners of England. Certainly it would be better for them to remove the tax altogether, but that he could not do: and when a country had a monopoly, as it were, (which England had of coals) of any particular useful commodity, it ought to make other countries pay for the use of its advantages. The change he meant to propose was, he believed, as great as it was safe to make. He moved

That in lieu of the duties of customs now payable upon the exportation of coals, culm, and cinders, there be paid the several duties of customs hereinafter set forth; that is to say:

Coals, culm, and cinders, usually sold by measure, viz.	£.	s.	d.
exported to any British Possession, the chaldron, imperial measure	0	1	0
exported to any other place, viz.			
in a British, the chaldron, imperial measure	0	5	0
in a foreign ship, the chaldron, imperial measure	0	18	3
Coals, culm, and cinders, usually sold by weight, viz.			
exported to any British Possessions, the ton	0	0	8
exported to any other place, viz.			
in a British ship, the ton	0	3	4
in a foreign ship, the ton	0	12	2

Mr. *Tennant* said, that we had not a monopoly of coal. There was an inexhaustible supply of coal in Belgium and France. We now supplied other countries with coals, but by the imposition of this tax we might destroy our market. He considered that we should derive greater advantage from allowing coals to be freely exported, than to clog that part of our trade by duties. He was sure, too, that the noble Lord would find this tax much less productive than he expected.

Mr. *Warburton* defended the tax, on the

authority of Mr. Ricardo, who had laid down the principle, that what one country could produce much cheaper than any other was proper to be taxed. That gentleman instanced the gold and silver in the possession of Spain. He was one of those who thought the duty should have been augmented. The cost of raising coals at Newcastle was certainly considerably increased, owing to the upper strata being exhausted; and looking at the possibility of the supply being short, one day or another, he thought we ought not to part with it, except on the payment of rather a high tax.

Sir *Thomas Acland* thought it was unreasonable to censure the Government, after it had taken off the tax on sea-borne coals, for not also relieving foreigners.

Mr. *Tennant* did not wish to flatter the Government, and he thought he was doing his duty to his constituents and the country when he warned the noble Lord against inflicting injury, as he was about to do, on the property of coal-owners. They were already exposed to many restrictions on exporting coals, of which the noble Lord did not seem to be aware.

Lord *Althorp* was aware of these restrictions, and many of them would be removed by the alteration he proposed in the tax.

Resolution agreed to.

HOUSE OF LORDS.

Thursday, Feb. 17, 1831.

MINUTES.] The Post Master General's Bill went through a Committee.

Petitions presented. For the Repeal of the Union (Ireland), by Lord KING, from Tullamore and Kilkennaul:—By the Earl of SHREWSBURY, from Grange Gorman, and from St. Michael's and St. John's, Dublin. In favour of the Local Courts Bill, by Lord KING, from Collumpton. For a Revision of the Tithe System, and Reduction of Taxation, by the same noble Lord, from Aldington, from Easing, and Bolton by Bolland. For the Repeal of the Duty on Coals, by the Earl of SHAFFESBURY, from the Ship-owners of Newcastle:—By the Earl of RADNOR, from the Mayor and Burgesses of Cardigan. For Reform in Parliament, by Earl SPENCER, from Northampton and Wellingborough:—By the Earl of RADNOR, from Calne, and St. Pancras, Middlesex:—By the Earl of GLENGALL, from Navan. Against further Grants to the Kildare-street Society, by the Earl of SHREWSBURY, from Kilchrist.

THE NEW TAXES.] Lord *Ellenborough*, in moving for the Returns of which he had given notice, respecting some of the new Taxes, said, he had submitted his Motion to the inspection of the head of his Majesty's Government, and he understood that no opposition would be made to the production of the returns he wished to

have laid on the Table. They embraced all the articles which were made the subject of the late financial propositions of the Chancellor of the Exchequer—namely, Cotton, Timber, Wine, and some others; and he thought they would be found of some importance, for a proper understanding of the nature of the alterations proposed. With respect to these alterations, he wished to observe, that he understood it to be the intention of the Government to repeal the duty on printed calicoes, and to substitute for it, a duty of one penny per pound on cotton wool of all countries, without making any distinction between that received from the United States and that which was derived from English colonies. He might, perhaps, have addressed himself more at length to this part of the subject, and to the state of the trade in cotton generally, if he had not indulged a confident expectation that at no very distant period, the proposition of the Government on this point of taxation would follow the fate of the proposal for raising a tax on transfers, and be abandoned in compliance with the feeling of the country; for he believed he spoke according to the sense of all acquainted with such subjects when he said, that the duty on cotton was, like the duty on transfers, one which, from the peculiar circumstances connected with the article, and the nature of the trade, could not be collected. He was ready to admit that the duty on printed cottons was liable to many objections—that large sums were taken by it out of the pockets of the people, and that little reached the Treasury, and that it pressed heavily on the poor, and was not felt by the rich. It should, however, be recollected, that but a very small portion of the dress of either class was formed of printed calicoes, and as the price of cotton wool varied from 1s. 6d., which was about the price of the highest, to 4d., which was the price of the lowest, and as the clothes of the poor were generally made from the low-priced cotton, and those of the rich made from the higher priced, the duty still would press unequally; and the penny per pound be raised from the cotton which was the least able to bear the weight of such a tax. The rich, therefore, under the contemplated arrangement, would still be the gainers, and the poor still liable to an unequal pressure from the new duty. If the state of the national finances permitted

the Chancellor of the Exchequer to give up the sum of 500,000*l.* which he now received from the duty on printed calicoes, it would undoubtedly be politic and expedient to take it off; but if that could not be done without shifting the burthen somewhere else, it was the bounden duty of the Ministers to take care that they did not, by a duty on the raw material—in this manufacturing country a particularly objectionable one—add to, rather than diminish, the burthens and difficulties complained of. Another objection to this proposition for a tax on the raw material was, that it imposed the same amount of duty on the cotton wool of India as on that of the United States of America. It had been the policy of the Governments of this country of late years to encourage, by every means in their power, the trade with India—a policy founded in experience, and supported alike by reason and justice. Acting on this principle, the Government made a distinction between the products of that country and those of other countries on various occasions, and while they raised the duties on the silk and sugar of other places, they preserved a proportion in favour of India. The duty paid by the cotton wool of India, which was only 4*d.* a hundred weight, while other cottons paid six per cent, would be raised by the proposed alteration full twenty-three per cent. But what was the course to be pursued with reference to the cottons of the United States? Cotton from New Orleans at present pays a duty of six per cent: that duty, by the new tax, would be raised only nineteen and a half per cent. Sea Island cotton, which pays the same duty of six per cent, would only be raised by the change eleven per cent. And what would be the result of this, with reference to the cottons of India? Why, that the poor cottons of our colonies would have to pay, on the whole, 100 per cent more duty than the very fine cottons of the United States. He would ask, whether their Lordships could say, that his Majesty's Government were, by this tax, preserving that policy which was recognized as just and proper towards the colonies? What, too, would be the effect of the arrangement on the cultivation of cotton in the colonies? For the next few months, cotton would continue to arrive in this country, under the opinion that it was to pay the old duty; but when those who bought cotton-wool at Bombay at 4*d.* a pound,

and sold it here at $4\frac{1}{2}d.$ found they had to pay a duty of twenty-five per cent on its value instead of that which they calculated on paying, they would not only lose their profit, but their freight and charges, and ten per cent into the bargain on the capital embarked in the speculation. When he considered these, and similar difficulties, which must be well known to a noble Marquis (Lansdown) who was President of the Committee on the Affairs of India, which sat last year, he really thought it would be impossible for the Ministers to persist in their original propositions. He felt it right, while he was on this subject, to add, that the cotton imported from India in the year 1825 and 1826, and as late as the returns had been made out, amounted to one-eighth of the whole. It was necessary to understand, that the merchants connected with the trade of India laboured under greater difficulties than any others in making profitable returns to this country. Three millions were sent home every year in returns, on account of the territorial possessions of the East-India Company, independent of any thing which was required by the private trader; and their Lordships would therefore see at once the immense disadvantages under which the merchant, who received returns from India, laboured, being subjected to the competition of three millions' worth of commodities, which must, cost what they might, or at whatever risk or loss, be annually returned to this country. This competition was very injurious to private trade, and placed serious obstacles in the way of that trade. The noble Lord concluded by moving for Returns of the real and official value of all Cotton wool imported into this country from foreign countries, and from British colonies, for the last ten years, with the rate and amount of the duties paid in each year.

Earl Grey had, as the noble Baron commenced by observing, no objection to the Motion, but he thought the noble Lord had adopted a very unusual course in commenting at so much length on a system of duties which was not officially made known to their Lordships, and which had not even been embodied in Resolutions presented to the other House, so that the noble Baron might have become acquainted with their bearing from the Votes of that House, which were daily laid on their Lordships' Table. The noble Baron could

not have known any thing of the taxes on which he commented, save from the reports of the Debates elsewhere, and he really thought that the observations of the noble Baron had been, in that respect, somewhat irregular. The tax on printed calicoes was liable to all the objections, as the noble Baron admitted, which any tax could well be liable to, and it was, therefore, the desire of the Government to replace it by some tax which would fall less heavily on the poorer classes, and be more beneficially productive to the revenue. For this purpose, the Government had determined to lay a duty on cotton itself, and all he could say at present was, that if, on inquiry and examination, that tax itself, or the mode of raising it, should be found exposed to the objections stated by the noble Baron, that there would be no indisposition to modify or alter it, so as to give general satisfaction. It was impossible for him at that time, and without any previous notice, to follow the noble Baron through all the statements and figures he had laid before the House, but he would say, he acknowledged the propriety of the principle insisted on by the noble Baron with respect to India, and the policy of favouring the commodities of that country in preference to those of others, and he would repeat that if it could be proved that the new scale of duties injured India to the extent stated by the noble Baron, he should be ready to adopt a different course. More than this he was not called on, with his present information, to say. He thought it would have been better if the noble Baron had refrained from commenting on the duties until their Lordships were in possession of some better information on the subject, and he would sit down by declaring, that it would be the earnest endeavour of the Government to adopt the least injurious principle of taxation, and to remove every objection.

Lord Ellenborough had every disposition to respect the noble Earl, and to pay attention to his suggestions and advice; but he was, at the same time, at liberty, as a Member of Parliament, to select what subject seemed to him most fit for comment or observation, and he could not see that he had, in the present case, been guilty of any irregularity. The noble Earl had, however, with the candour, and honour, and sense of right which he hoped would always mark his character, dis-

tinctly intimated, that if the tax on cotton was open to the objection he had stated, he would abandon it, at least as far as respected India; and he referred the noble Earl and the noble Marquis near him (Lansdown) to the report of the Lords' Committee on the Affairs of India, in which he would find every fact he had mentioned, stated in the evidence.

Returns Ordered.

TIMBER TRADE.] Lord *Ellenborough* asked, whether it would be convenient to the noble and learned Lord on the woolsack, that he should then proceed with his Motion respecting the Duties on Timber.

The Lord Chancellor was sorry that any judicial arrangements of his should interfere with his noble friend in any Motion he might have to bring forward, nor should he allow them to do so; but he had on that evening to meet the Judges, to consult with them on a case on which it was important that they should be consulted; and as they were about to set out on their circuits, it was desirable that his meeting with them should not be delayed. If, therefore, his noble friend would defer his Motion till to-morrow, it would be a convenience to him.

The Marquis of *Lansdown*, in reference to what had fallen from the noble Lord (Ellenborough) on the subject of the exports from India, assured him that he was one who thought the trade should be protected, for the importance of the interests connected with that trade could not be overlooked.

The Duke of *Wellington* said, he could not concur with the noble Earl (Grey) that it would be desirable that their Lordships should wait in considering a question of the nature of that introduced by his noble friend (Lord Ellenborough) until Resolutions on the subject had been submitted in another place. No Resolutions had, it was true, yet been submitted, but it was true that a great financial statement had been made—in fact, the Budget of the year had been brought forward—in that other place, before any resolutions were submitted, and before the Supplies had been voted, or before even the Estimates for the year had been known in that place. It was no wonder, then, that his noble friend should desire information on the subject to which he referred, without waiting for the Resolutions to be submitted

elsewhere. He did not object that a statement of the kind should have been made, but he thought that the Supplies should have been voted before the Ways and Means were considered. The public ought to have the whole case before them; but at present all they knew was, that an alteration was to take place in some taxes, that others were to be taken off, and part of the plan so put forth had been already abandoned.

Earl Grey wished to know from the noble Lord (Ellenborough) whether, in introducing the subject of the timber duties, it was his intention to enter upon the general subject of our trade, or the whole policy of the plans of Government on that subject; because, if he did, he should hope the noble Lord would not do so in the absence of his noble friend, the Secretary for the Colonies, who was prevented from being in his place by indisposition. Perhaps, therefore, if his noble friend should not be able to attend to-morrow, the noble Lord would not object to put off his Motion till Monday.

Lord *Ellenborough* said, that he did not object to the principle of the timber duties, but to the manner in which the modification was to take place; and in noticing the subject, it was not his intention to enter into other questions of trade; but under any circumstances, he would rather not bring forward his Motion in the absence of the noble Viscount, the Secretary for the Colonies. He would therefore defer it to any day when it might be convenient to the noble Viscount to attend.

HOUSE OF COMMONS,

Thursday, Feb. 17, 1831.

MINUTES.] New Writs. For Saltash, in the room of Mr. GREGSON, and for Ashburton, in the room of the Right Hon. C. ARBUTHNOT, both these gentlemen having accepted the Chiltern Hundreds.

Bills were ordered to be brought in, to carry into effect the Resolution of the Committee of Ways and Means, and for altering the Game-Laws, and for preventing the abuse of Corporation Funds (Ireland). A Bill to Amend the Laws relating to Apprentices in Cotton Manufactures, was read a first time.

Returns ordered. On the Motion of Mr. HUME, of the Establishment of the Royal Marines, with the pay and allowance of each class, and a statement of the contingent expenses of every kind, showing the total expenditure for the past year, on account of that corps:—On the Motion of Mr. ALDERMAN THOMPSON, the Official Value of Goods warehoused in the Port of London, for the years 1825, 1826, 1827, 1828, 1829, and 1830; and an account of the Goods actually in the bonded warehouses in the Port of London, on the 5th January, 1831, distinguishing the places where deposited, and quantities at each.

Petitions presented. In favour of Emancipating the Jews, by Lord J. RUSSELL, from the Dissenters of the three

denominations. For Reform, by Lord G. BENTINCK, from King's Lynn:—By Mr. C. TYRELL, from Mansfield:—By Mr. T. DUNCOMBE, from Hertford, and from Luggershall:—By Mr. SLANEY, from Thornton, Lonsdale, and Great Bedwell:—By Sir W. INGILEY, from the Island of Axholme:—By Lord J. RUSSELL, from Monmouth, Lyme Regis, Lymington, and Newport (Monmouthshire), and from Huntingdon, for a Repeal of the Assessed Taxes. By Lord BRABAZON, from Dublin, for a Repeal of the Union. By Sir C. COOTE, from Queen's County, against the Grant to the Kildare-street Society. By Mr. N. CALVERT, from Hitchin and Bishop Stortford, for a Repeal of the Coal Duties. By Mr. Alderman WINCHESTER, from the Churchwardens and Vestry of St. Martin's-in-the-Fields, against the Vestry Bill. For the Abolition of Slavery, by Mr. HUMZ, from North Berwick:—By Colonel DAVIES, from Worcester. By Lord L. GOWER, from Wick, against Oaths; and from Galway, on the subject of the Kelp Trade:—By Mr. S. RICE, from Limerick, for a Repeal of the Malt Tax; and from Galway, for an extension of the Elective Franchise.

PUBLIC ACCOUNTS.] Sir *H. Parnell* rose to submit the Motion of which he had given notice. He said, that he was relieved from the necessity of occupying much of the time of the House in consequence of the noble Chancellor of the Exchequer having consented to the appointment of the Committee for the purpose of investigating the Public Accounts. He believed that every Gentleman in the House was aware that the present system of keeping the public accounts was extremely defective. It certainly must be admitted, that in so important a matter as the regulation of the public purse, it was of the first importance to have a clear view of the receipts and expenditure. The object which he contemplated was, the appointment of a Committee to ascertain what plan was best for introducing a simple and uniform scheme of public accounts in all the departments; for securing a proper audit of the public money; and also, for causing such annual Returns to be laid upon the Table of the House as would furnish the House with correct information of the state of the income and expenditure of the country in each year. The Committee would carry on what was begun by the Finance Committee which was appointed in 1828. The latter Committee made some progress in the work, but in consequence of its not having been re-appointed, nothing effectual had been accomplished. He would conclude by moving for the appointment of “a Select Committee to inquire into what improvements may be introduced in the mode of keeping the Public Accounts, and of providing an efficient control over the expenditure of the public money.”

Lord *Althorp* said, he did not rise to

offer any opposition to the Motion: on the contrary, he thought it very desirable that the Committee should be appointed. As an instance of the difficulty of coming to a correct conclusion with respect to public accounts under the present system, the House would recollect, that when the same set of accounts was laid before two Committees, they came to different results respecting them. He thought it most desirable that the proposed inquiry should take place, and it could not be conducted better than under the superintendence of his right hon. friend.

Mr. *Herries* said, he had not the slightest objection to the Motion: on the contrary, he would endeavour to assist in carrying its object into effect. Some doubts, however, had suggested themselves to his mind, with respect to the latter part of the Motion of his right hon. friend—namely, the words “to provide a more efficient control over the public expenditure.” He wished to know whether those words referred to a control to be had by the means of the auditship of accounts, or whether it was meant that the Committee should enter into a general inquiry such as that to which the Finance Committee applied themselves. It was necessary that the instruction to a Committee should be clearly understood, for Committees were very often puzzled to know what they were empowered to do. There certainly was some ambiguity in the wording of the Motion. All he wished to know was, whether the Committee were to inquire into the mode of keeping accounts, or to enforce a better system of management?

Sir *H. Parnell* said, that if he had entered into detail he should have explained his object more fully. He intended the latter part of the Motion to refer exclusively to the keeping of accounts, and the causing of them to be brought before the House, so as to give the House an efficient control over the public expenditure. If his hon. friend wished this object to be expressed more distinctly, he would alter the Motion.

Mr. *Herries* said, that after the explanation given by his right hon. friend, he had not the least objection to the Motion in its present shape.

Motion agreed to, and Committee appointed.

BOROUGH OF EVESHAM—REFORM.] Lord *John Russell* presented a Petition,

signed by 255 inhabitants of Evesham, in the County of Worcester, praying for Reform, and complaining, that, of 4,000 persons in that Borough, only about 400 had any share in the return of Members, and no more than 115 of those were resident voters.

General *Gascoyne* wished to take that opportunity of asking the noble Lord a question with reference to the measure which he proposed shortly to bring forward. What he was desirous of knowing was, whether it was the noble Lord's intention to propose Resolutions, or to bring in a Bill for Reform. It must be obvious to the noble Lord, that the sooner the House could be made acquainted with the nature of his intended measure the better, and it would be necessary that the House should have some time to consider its bearings after it should be made known.

Lord *John Russell* said, in answer to the gallant General, that the first step he should take would be, to move for leave to bring in a Bill.

The Marquis of *Chandos* then rose to make the Motion of which he had given notice relative to this borough. He should be able satisfactorily to prove to the House the corruption which prevailed in Evesham, and to show that the resident voters had participated in the money which had been distributed, not only at the last election, but that in fact, for the last forty years the borough had always been in the market for whoever had bid highest for it. It was impossible for him, feeling strongly, as he did, that when that House could prevent bribery, it was its duty to do so—it was impossible for him to suffer this question to be set aside. It ought to be dealt with as the circumstances of the case merited. By referring to the evidence already before the House, particularly that of a witness of the name of North, the House would see the arrangements which were made before the election—that a number of gentlemen consulted together, and the borough was to be put into the hands of him who should give the highest sum. It would also appear from the evidence of a person of the name of Jacques that he had received 12*l.*, according to the custom of the borough. He should not be satisfied, therefore unless that House acceded to some measure which would forward the ends of justice, and bring the entire history of the borough of Evesham before the House. It might be asked what course he

intended to pursue. His intention was, to propose a Resolution similar to that moved on a former occasion by an hon. Gentleman opposite—he meant the Resolution of the hon. member for Bletchingly, with regard to East Retford. If he were allowed to make this Motion, and if it were agreed to, he should then ask leave to bring in a Bill to disfranchise the borough of Evesham, on the ground of the evidence which he should call, and to transfer the franchise to the town of Birmingham. He regretted to hear that his Motion was to be met by an Amendment to postpone the question until after the business of the 1st of March. Now, he knew nothing of the Motion of the 1st of March; but he brought forward a specific grievance—pointed out a specific corruption—and asked for a specific remedy. He should not, therefore, consent to a postponement of it. Whatever might be the remedies to be proposed by his Majesty's Ministers, it would create great disgust and general dissatisfaction, if, when a case of gross bribery was proved, no notice were taken of it by that House. He was prepared to prove a case of corruption against the resident voters, although the evidence on the Table did not contain such proof. He trusted the House would believe that he had not taken up this case from party motives, which he altogether disclaimed. His only motive was, to show the public and the country that that House would do its duty. He should not enter into the general question of Reform; this was not the time for it; but he called upon the House to deal fairly by the question before it. Let them meet it with fairness, with justice, and cool deliberation. Let him produce the evidence, and it would satisfy the House as to the real state of the case. In this, as well as in other instances, he was prepared to do his duty to the country at large, and whatever popularity might attach to the Ministers from their Motion of the 1st of March, men on that side of the House who were anxious to do their duty to their country, should have an opportunity of doing so. Let it not be supposed that the Reform measure of the 1st of March would remedy every grievance, and do away with every complaint. It was clear that the state of the borough of Evesham required consideration, and he wished its franchise to be transferred to Birmingham. He therefore asked per-

mission to move a Resolution which he hoped would be supported by the hon. Gentlemen opposite, as it was nearly word for word the same as that formerly proposed by the hon. Member for Bletchingley. He begged leave, therefore, to move a Resolution, "That the corrupt state of the Borough of Evesham required the serious attention of that House."

Lord *Althorp* said, the House was aware, as the noble Lord had stated, that there was in the evidence before it no distinct proof that corruption existed amongst the resident voters of the borough of Evesham; but the noble Lord also stated, that he was satisfied such corruption did exist, and that he was able to prove it. For his part, he too was perfectly satisfied that such corruption did exist, and it was possible that evidence of it might be brought forward, although he did not know that the noble Lord would be able to prove notorious bribery. He should have thought it better, undoubtedly, if the question had been postponed until after the motion for Reform should have been disposed of; but the noble Lord was of a different opinion, and certainly he should not object to his Motion. He did not think that the benefit to be gained by it was very great, but if the noble Lord wished to bring the question under the consideration of the House, he should certainly not stand in the way of it. The question resolved itself into two divisions—namely, Parliamentary Reform, upon which it was not desirable at present to offer any opinion; and the exercise of the judicial functions of the House. In this view, the members of his Majesty's Government would not deal with the question in their capacity as belonging to the Government, but merely as Members of that House.

Mr. *E. B. Clive* wished that the noble Marquis would postpone his Motion. He thought it improbable that the noble Marquis would succeed in what he wished for, and if he would consent to a postponement it would save time. He was happy that the cause of Reform had so zealous an advocate in the noble Marquis. Should the motion of which the noble Lord below him (Lord John Russell) had given notice for the 1st of March, not extend to the circumstances of the Evesham case, he (Mr. Clive) should be very much dissatisfied with it.

Sir *Robert Peel* said, the hon. Gentle-

man had given no reason why the House should not exercise its judicial functions in this case. The House of Commons knew nothing of the motion which was to be proposed on the 1st of March. There certainly was a notice on the paper relating to the state of the Representation, but as yet the House had no further knowledge on the subject. It appeared from the report of a Committee, that extensive corruption prevailed, at least amongst the non-resident electors of this borough—and the petition presented by the noble Lord opposite confirmed the fact. In that petition, 255 of the inhabitants spoke of the corruption which had broken out in the borough, and they spoke of it in no milder terms than as a leprosy. If this borough were proved to be a delinquent borough, it would be necessary to punish it, whether the noble Lord (Lord John Russell) should succeed in his motion or not, because, even supposing that he did succeed to the fullest extent, still that House ought to signify to all future constituents, that future delinquencies, if such were committed, would be visited with punishment, and that, if they should be justly chargeable with corruption, they would subject themselves to punishment. An hon. Gentleman opposite had paid a compliment to his noble friend on the ground of his zeal for Reform, which compliment, however, had rather the air of a sarcasm. [Mr. *Clive* said "It was not so intended."] His noble friend said, he had evidence to prove the corruption of the borough, and the noble Lord opposite (Lord Althorp) had acted with his usual candour in the course which he had taken in reference to the question. He (Sir R. Peel) should certainly feel it his duty to support his noble friend's motion.

Sir *Charles Forbes* defied any one to point out a single one of the 658 places which sent Members to that House where more or less influence of a corrupt nature was not used [*cries of "No, no."*] He construed that "No, no," merely as a plea of Not Guilty. He should like to know how hon. Gentlemen would feel if called upon to take an oath that they had not bribed their constituents. The borough of Evesham was not more guilty than others. Its misfortune was, that it was found out. This reminded him of the Chinese law. It was no crime to steal in China, and one Chinese would look on and laugh at another picking a pocket, particularly if it

was the pocket of a European,—but if he was found out, the Lord have mercy on him. Let them take up the rest of the boroughs, going through the A, B, C, in regular alphabetical progression. They would have Abingdon, Bletchingly, and, at last, would come down to Liverpool. Let the House show strict impartiality, and act upon a general principle. They should not visit this unfortunate borough with punishment at the present moment, even refusing it the short respite of a fortnight. There seemed a determination to hunt down Evesham, and he hoped there would not be quite as much disturbance as there was on the East Retford question. He should assuredly oppose the Motion. He wished some hon. Member would rise in his place and propose that the writ should issue for the return of a member for Evesham. That ought not to be delayed; and the House might proceed on any inquiries which were necessary afterwards. With regard to the measure to be brought forward on the 1st of March, he could only say, that we know how we are, but we do not know how we shall be. The present Ministers were the very last men in that House who ought to say that the Parliament, as at present constituted, was not fully competent and desirous to do its duty to the country and itself.

Lord *John Russell* said, he hoped, as the hon. Baronet was not in favour of a partial measure of Reform, that he would at least be in favour of the general measure which he (Lord John Russell) was to bring forward. He inferred, indeed, that he was to have that support from the speech of the hon. Baronet; otherwise, the hon. Baronet would have placed himself in this dilemma, that he thought partial corruption ought not to be reformed, and general corruption ought not to be reformed, and consequently, that it was expedient to encourage and continue bribery and corruption. He understood the hon. Baronet, however, to say, that he would not object to the general measure of Reform, and, therefore, he (Lord John Russell) looked forward to his support. He agreed in much of what the hon. Baronet had said. The misfortune of this borough was, that, like Grampound and East Retford, it was found out. He should be disinclined to inflict any punishment; but the transfer of the franchise to a large town he looked upon, not as a punishment but a reform. He agreed that the petition which he had presented was rather in

favour of this Motion, but in other points he differed from the noble Lord and the right hon. Baronet. It would have been a wise plan some years ago to proceed in Reform by transferring the franchise from boroughs to large towns, and so promote that extension of Reform which was expedient; but he thought that the noble Lord was mistaken if he imagined that such a measure as had been formerly proposed would give satisfaction to the people at this time. When hon. Gentlemen opposite resisted the transfer of the franchise from East Retford to Birmingham, and insisted upon its being retained in Nottinghamshire, it gave such a general disgust, that all hope of benefit from gradual measures was given up, and nothing would now satisfy the country but to show that that House meant to do full justice. Agreeing in the object of the noble Lord's motion, as he did most heartily, although he hoped that the investigation would not be carried on at the bar at this period of great business, but would take place in a Committee, yet he considered the remedy not appropriate to give satisfaction to the demand for Reform which pervaded all classes of his Majesty's subjects.

Mr. *Maberly* said, the hon. Baronet had asked if the Members of that House could take an oath that they had not been guilty of bribery; and he had made rather an unlucky selection of the borough of Abingdon. He (Mr. Maberly) could take an oath, that he had never, directly or indirectly given a bribe to any of his constituents. The hon. Member should be cautious before he made these attacks. There were many boroughs perfectly free from all bribery or improper influence; and it was not fair to use the liberty of speech to make such unfounded attacks.

Sir *C. Forbes* said, he had not intended to insinuate any thing against the hon. Member. He had not made any specific charge, but had spoken generally, and only mentioned Abingdon as being one of the first on the alphabetical list, as it began A, B, (Ab.) He might, perhaps, have mentioned Aberdeen, or any other town beginning with the same letter.

Sir *C. Wetherell* said, he should trouble the House with but few words on this subject. As he did not come under letter A, he had thought it better if A would rise before B. He was glad the hon. Gentleman opposite had risen, because, as the individual who now addressed the House

had stood extremely high for the borough of Abingdon, he who now addressed them as letter B might have had to address them as letter A. He could state, that the constituency of that borough was highly honourable. But, letter A having been disposed of by the Representative of A, he came to letter B. The hon. Baronet asked, if all the Members of that House would take an oath that they had not been guilty of bribery. He had no doubt that letter A would, and he knew that letter B could. His constituency, he could confidently affirm, were honourable, respectable, and independent; and he certainly was one of those who, if necessary, could swear to having forborne bribery, as the hon. Baronet so facetiously proposed. He believed that his hon. friend (Mr. Maberly) might take that oath; he did not know whether the hon. Baronet could. The hon. Baronet said, that this borough had the misfortune to be found out. That was true; and how could it be punished till it was found out? The duty of that House was, to correct a case of bribery and corruption whenever it occurred, without looking to any ulterior measures. He knew nothing of the measure which was to be brought forward on the 1st of next month; and it was quite obvious that it could have nothing to do with the proposition now before the House. If the Cabinet told the House it was their measure, then surely it was the duty of some member of the Cabinet to bring it forward, and not to leave it to a plain Member of Parliament. Upon a question of this nature, the Members of that House were not bound to follow any Government, and much less were they bound to follow the Government's deputy, the noble Paymaster of the Forces (Lord John Russell). The Members of that House did not sit in that House as the mere organs of the Government, much less as the organs of the Government's deputy. They would become mere tools—and he did not intend to use the word tools in an offensive signification—if they suspended this Motion because some other motion, of which they knew nothing, was to be brought forward on a future day by some deputy of the Cabinet. The House would practise a meanness deceiving themselves, and be guilty of a dereliction of duty, if they could for one moment think of abandoning a straight-forward course for every fanciful hypothesis. Nothing was clearer than that, as Members of that House, they could only

recognize the noble Paymaster, in his individual character, as one of themselves. The noble Paymaster, and other parties, might be disgusted, as he saw they were, with what had taken place in certain quarters on the subject of East Retford; but he had no right to suppose, or presume, that the people of England were disgusted.

Sir J. Wrottesley must protest against the assertion that all the Members of that House were returned by corrupt influence, in a more or less degree. He could not remain silent and hear such an imputation cast on the Representatives of the people. He would tell the hon. Baronet who had made the assertion (Sir C. Forbes) that he (Sir J. Wrottesley) was sent to that House by a body of 10,000 or 15,000 individuals, who had not acted under any corrupt influence whatever. He was sorry to see a partial measure of Reform brought forward, being convinced that no practical advantage could result from it.

Sir C. Forbes was prepared, in looking at the manner in which that House was constituted, to take the risk, from the top to the bottom, and would then ask how many Members there were who were not returned by corrupt influence? Exceptions there were, it was very true, else he must condemn himself.

Mr. Wortley said, he should support the proposition, for he thought the sooner the question was got rid of the better.

Mr. Cutlar Ferguson considered, that the question was very fairly met by the Chancellor of the Exchequer. He did not see that the noble Marquis could possibly postpone the proposition, and the question was one which could not be affected by any subsequent measure with regard to the state of the Representation.

WICKLOW UNION.] Mr. Grattan rose to move for certain papers relative to the Union of Wicklow. His object was, to obtain some information on the subject, which had occasioned considerable discussion in the county of Wicklow, and given rise to a correspondence between some of the Magistrates of the county and the Government. Some dissensions had arisen in the parish of Wicklow, in consequence of the present incumbent refusing to enter into a commutation of tithes, which led to the union. He might, perhaps, be allowed to say, that the effects of the Tithe Commutation Act had been most beneficial wherever it had been

brought into operation. He believed that no opposition would be made to this Motion; but it would be right for him to state some of the circumstances connected with the Union of Wicklow. The House must be aware that there were parishes in Ireland, the income of which was too small to support the clergyman in decency: in consequence of this, an Act was passed some years ago, to allow the Privy Council, on the recommendation of the Bishop of the diocese, to form a union of two or more parishes, provided the income did not exceed a certain amount. In the present instance, the parishes he alluded to were in the diocese of Dublin; and, in the course of last year, in consequence of a certificate of the Archbishop, presented to the Privy Council, the decree for the union was issued. The income from the united parishes was 1,200*l.* a-year. Such unions were improper; and the Act, if it could be evaded in this way, ought to be remedied. In this case, the union consisted of not less than six parishes; one of which was worth 600*l.* a-year. The right of presentation was in the Archbishop of the diocese who instituted his son, the Archdeacon of Kilmain. What was the value of the other livings he knew not; but some of them were of sufficient value to support an independent clergyman. Most other gentlemen would have been satisfied with a union that gave a large income; but the tithes were soon raised. The Archdeacon had refused to commute his tithes for the yearly sum of 1,800*l.*; when the Privy Council was induced to sanction the union of the livings, in consequence of the declaration of the Archbishop, that their united value did not exceed 900*l.* a-year. He refused any offer to commute for his tithes unless he could get the full value of them. He felt bound to say, in behalf of the Protestant clergy of the county of Wicklow, that in nearly every instance they had acted with propriety and forbearance, and had readily assented to the offers of their parishes to commute their tithes, which had been attended with the most beneficial effects, and the best feelings existed between the clergy and their parishioners. It was a most unfortunate thing that this clergyman refused to compound with his parishioners, for the Privy Council, if it had been led to issue the decree of union in consequence of incorrect information, was able to recall it. He did not bring

forward this subject with a view of making any attack on the Church, but he wished the House to adopt some proceedings on the subject of tithes. The hon. Member concluded with moving for a copy "Of the Report made in 1830 by the Archbishop of Dublin to the Duke of Northumberland and Privy Council in Ireland, respecting the Union of the Parish of Wicklow."

Sir *John Newport* wished to know how far the clause of the Act of Parliament was operative as regarded this subject, and whether a specific clause of an Act of Parliament could be rendered of no effect by conduct of this sort. It was distinctly stated, that until the union of the parishes had received the direct sanction of the Privy Council, no such union could take place. This was done with a view to prevent the union of valuable parishes; and, under any circumstances, it must be considered an evil. He was not aware whether there were any previous instances of evading this Act, but he conceived it to be the duty of the House to inquire into the subject. In the present case, the Archbishop, in the certificate which he sent to the Privy Council, stated, that the value of the living did not exceed 900*l.* a year, and it was in consequence of this representation that the Lord Lieutenant and Privy Council consented to the Union. It was quite clear that they would not have done so had they been aware of the real value of the living, and that the Archbishop of Dublin intended to institute his son to the vicarage of these united parishes. The father estimated the income of these livings at 900*l.* a-year, and the son refused to commute his tithes for 1,800*l.* a-year. The House ought to have all the circumstances of the case laid before it, with a view to prevent such an occurrence taking place again, as well as to see whether there was any defect in the Act, by which it might be so easily evaded. A proceeding of this sort was most detrimental to the interests of the Protestant Church of Ireland; and he called upon the House, as it respected that Church, to come forward and defend it on the present occasion. He was a sincere friend of that Church, and he called upon the House, for its sake, to assent to the present motion, with a view to future proceedings.

Mr. *Lefroy* meant to confine his observations to the statement made by the hon. member for Wicklow and the hon.

member for the city of Waterford. He rose for the purpose of vindicating the character of the Archbishop of Dublin, feeling that the integrity and purity of the conduct of that venerable and eminent Prelate rendered him superior to any insinuations that could be thrown out against him; neither did he wish to oppose the motion of the hon. Member, but rather to court inquiry, being convinced that every information which could be elicited on this subject would tend to prove the strict propriety of the course which his Grace adopted. It had been truly stated by the two hon. Members, that the return made to the Privy Council, on the occasion alluded to, was 900*l.* per annum, and that now the Union, including the Prebendary of Wicklow, was valued at 1,600*l.* per annum. A little explanation would satisfy the House as to the cause of the difference. On the death of the late incumbent, who had held the parishes for the preceding thirty-five years, they fell, for the first time, into the gift of the Archbishop of Dublin; it was then necessary, in order to continue the union of these parishes, and to comply with the Act of Parliament alluded to by the hon. Member, to make a return to the Privy Council of the value of the tithes, and, deeming it the best source of information, the Archbishops procured the affidavit of the Sequestrator, who had the management of the tithes for the preceding thirty-five years. On the appointment of the present incumbent, a son of the Archbishop, when he came to receive his tithes, he found that a very considerable portion of the lands of the union had never paid tithe, owing to the neglect or mismanagement of the Sequestrator, which was the cause of the difference between the return made to the Privy Council and the present estimated value of the tithes. As this return appeared to be the chief cause of crimination, now that he had explained the reason for it, he should hope the unfounded charges and insinuations made against the Archbishop would cease. He should go no further into the subject until the case was brought before the House, but then he should be prepared to substantiate the statements he had made.

Mr. *Shaw* did not rise to offer any opposition to the motion of the hon. member for Wicklow being satisfied that when the returns were laid on the table they would be accompanied with the most

satisfactory explanation on the part of the parties concerned; but he wished to set him and the hon. Baronet, the Member for Waterford, right as to one fact. No such union of parishes had taken place as that described by them. He had been only informed of the facts since he came into that House; but he had every reason to believe his information was correct. The Prebendary of Wicklow, and four Chapelries, were quite distinct from the union in question, and to which alone the certificate related—it was only the continuation of the union of the vicarage of Wicklow, and of the two small livings of Kilpoold and Drumlay, which, taken together, did not amount in value to above 120*l.* per annum, a sum insufficient to maintain their Curates. The value of the vicarage and these two small parishes was alone necessary to be stated to the Lord Lieutenant and Council. So that the Archbishop returned a much greater value than necessary by the Act of Parliament; although in point of fact, the value of these parishes and of the prebendary (which it was unnecessary to return) taken together, did not exceed the sum of 900*l.*, which had been returned to the Archbishop by the person who had been Sequestrator of the parish for many years in the time of the late incumbent. The whole charge, he was sure, would be satisfactorily met when the proper time arrived. He would only observe, that he could not help lamenting that this complaint should have been brought forward at a moment when the individual principally concerned, who had been so remarkable for energy, activity, and great talents—was incapacitated by illness from taking any part in public business—an individual who had been, as even his political opponents admitted, one of the most distinguished ornaments of literature, of the Established Church, and of the country. As to what had been said about the Church Establishment, he would not enter into its defence; nor would he attempt to throw a cloak over its abuses, for time produced abuses in the most perfect of human establishments; but he wished to see those abuses corrected by the hands of the friends of the Church, and not submit her to the mercy of those who, while they professed to reform, would be only anxious to destroy. The Church and State had long stood together, each supporting the other—so must they fall together; and if the Church

were pulled down, the Crown and the Constitution would perish with her.

Mr. *North* was convinced, that the circumstances of this case could be explained in a satisfactory manner. With respect to a reform of those abuses that may have grown up in the Church, there was a Commission sitting in Dublin, composed of some of the most distinguished Prelates and members of that Church, and they were most zealous in the reform of that great institution. He had no doubt that the greatest benefit would result from the labours of this Commission.

Mr. *Ruthven* was sorry that there should be even the appearance of opposition to granting these papers. The hon. member for Dublin supposed that this was an attack upon the Church of Ireland; but he was satisfied that neither the hon. Member who brought the Motion forward, nor any other Member, had the least idea of doing anything of the sort. Every one must regret the indisposition of the Archbishop of Dublin, but the charge of unfairness ought not to be brought against the hon. Member for making the present Motion during the illness of the Archbishop. He did not impute any blame, in this case, to the Archbishop, but some misrepresentations had been made, which he hoped would be explained and rectified. According to the paper presented to the Privy Council, the annual value of these livings was 900*l.*, but it appeared that the Archbishop's son refused an offer of 1600*l.*, and stated that it was worth 1,800*l.* With respect to the quantity of land in the union, it was stated to be 17,200 acres, but it actually was 34,000 acres, though he did not charge the Archbishop of Dublin with misrepresentation, because he believed that he was not aware of the circumstances of the case.

Mr. *Grattan* could assure the hon. Member, that he had not the least idea of making any attack upon the Archbishop of Dublin. He was not aware of his indisposition, and should be loath to say anything which could have the least appearance of an attack upon him under such circumstances. No person had made an attack on that Prelate, unless it was the hon. member for Longford. He said, that the certificate with respect to the value of the livings was made by the Sequestrator, and that the Archbishop had no opportunity of knowing the real value. How came the Archbishop to present this

as an accurate return if he was not aware of the real value of the union? The hon. member for Dublin said, that we should leave the Church to reform itself; but he was satisfied that the people never would have obtained the Commutation Act, or any other measure, if it had been left to the Church. The certificate of the value of those livings was made under the signature and seal of the Archbishop, and, in consequence of that certificate, the Privy Council made a decree in favour of the union. He meant to bring forward the subject again when the papers were laid on the Table.

Motion agreed to.

AMBASSADOR AND CONSULS IN FRANCE.]

Mr. *Hume*, in rising to move for a series of Returns of the ordinary and extraordinary expenses of the British Ambassador at Paris, and the Expenses, Salaries, &c. connected with the Consuls and Vice-consuls established in France and elsewhere, from the year 1814 to the present time, said, that the charges for these public servants appeared to him to be much greater than there was any necessity for. His object was, to show to the House, in a clear point of view, the expenses of that diplomatic service, as very large sums had been expended in outfits, purchase of a residence, payment to English Clergy, and presents. The sum allowed for the British Ambassador at the French Court was 11,000*l.* a year, and the Consul-general had a salary of 2,000*l.* He was of opinion, that when the returns were furnished, it would be shown that a great deal more had been paid for those purposes than was ever intended; and it was time to put an end to expenses so extravagant. He was desirous of knowing from the noble Lord, the Under-secretary of the Colonial Department, whether any and what alteration was in meditation in the Consular Establishment? He (Mr. Hume) knew that there were men of integrity and experience—merchants, who would gladly undertake the offices of Consuls and Vice-consuls, with no other remuneration than the fees. He would press upon the noble Lord whether, under such circumstances, the system ought not to undergo a considerable alteration. He was aware that the Consuls established on the African coast were under different regulations—their duties being partly of a political nature. Since he had come into the House he had under-

stood that it was the intention of Government to dispose of the Ambassador's house at Paris, in order that a portion of the expenditure might be got rid of. With respect to the Consular establishment in France, he thought the trade between the two countries did not warrant the expenditure thus incurred. In order to see what the trade was, he was about to move for a return of the exports of British goods to France, and the import of French goods to this country, for a series of years—viz., from the Peace of 1814 to the present time, distinguishing the amount exported and imported in each year. He hoped that the bad policy which had hitherto prevailed, and which had restricted the trade between the two nations, would be continued no longer; and he hailed with satisfaction the proposition which had been made a few nights ago for the equalisation of duty on foreign wines. This arrangement would have the effect of bringing French wines to this country, and, doubtless, British manufactured goods would be received in return. He believed that, when the latter returns were before the House, it would be a matter of surprise to some, to see how little traffic there had been between nations so well calculated for trading with each other. He believed it would be shown by the returns, that the evil consequences of our bad policy were more serious, he might say disastrous, than most people imagined. He, however, trusted that, ere long, the French government would perceive the value of carrying on an extensive trade with England. The hon. Member concluded by moving—

“For an account of the amount paid for the purchase of the residence of the British Ambassador at Paris, the amount paid in each year since the first purchase, for additions, repairs, furniture and establishment for the residence, up to the end of December 1830, and the total expense during that time (exclusive of the sums paid in each year for the salary and extraordinary expenses of the British Ambassador and suites).—For the amount paid in each year since 1814, for the Salaries of British Ambassadors, Ministers, Envoys, Secretaries, Chaplains, and all others attached to the British Embassies in France, under the head of Ordinary Allowances; also, an account of all contingent expenses for plate, presents, for messengers, entertainments, and public

days (excepting monies paid for the purchase, repairs, and furniture of residence as required in the preceding order), so as to exhibit the entire of the extraordinary expense for the diplomatic department in France, and the total of both the ordinary and extraordinary expense in each year.—For the amount paid in Salaries and Allowances for British Consul-general, Consuls, and Vice-consuls, in France, in each year since 1814; specifying the place of residence, salary, and allowances of each, together with all contingent and extraordinary expenses incurred at or by the Consuls and Vice-consuls at their several residences in France, for Chaplains, Hospitals, or on any other account, and the aggregate amount for the same in that time.—Of the amount, in official and real value, of all British Exports to France in each year since 1814, distinguishing those of British from colonial produce; also, an abstract of the amount, in official value, of all Imports from France in each year, as far as the same can be made up during that time.”

Lord *Althorp* said, he did not rise to oppose the Motion, and he was sorry, in the absence of his noble friend (Lord *Howick*), that he could not answer the questions of the hon. member for *Middlesex*; but this he could say, that with respect to the payment of Consuls, he knew that subject had been some time under the consideration of his noble friend and the noble Lord at the head of the Colonial Department.

Motion agreed to.

CUSTOMS' ACTS.—On the Motion of Lord *Althorp*, the Report of the Committee on the Customs' Acts, embracing the resolutions to Repeal the Duties on Coals, was brought up and read. On the motion that the Resolutions be agreed to,

CAPE WINES.] Mr. *Courtenay* asked the noble Lord, whether he persisted in raising the duty on Cape Wines?

Lord *Althorp* replied, that he had received a deputation of the merchants and others concerned in that branch of trade with the Cape of Good Hope, and, after hearing their arguments against the impost, he had agreed that some alteration should be made in the duty, and that, instead of raising it all at once to the same duty as was to be levied on the continental wines, it should be only raised from 2s. 5d.

per gallon to 2s. 9d. for the ensuing two years.

DUTY ON COTTON—THE BUDGET.]
In reply to a question from Mr. Cutlar Ferguson,

Lord *Althorp* said, that he expected a deputation of the principal manufacturers and others concerned in the cotton trade, from Lancashire, to-morrow, and that, after he had fully discussed the matter with them, he should be prepared to answer the hon. Member's question.

Mr. *Herries* suggested to the noble Lord, that it would be proper to afford the House an early opportunity of discussing the Budget, as it was intended to be ultimately settled, in order to appease the public anxiety on the subject, and also to afford the House an opportunity of discussing the alterations which it was intended should be made in the propositions originally brought forward.

TAX ON STEAM-BOATS.] Mr. *O'Brien* observed, that the tax on Steam-boats had every attribute of a bad tax, and would have the effect on the poor of his country (Ireland) of making it a question whether they should be allowed to earn their bread in England or not. He sincerely hoped it would not be persevered in.

Mr. *Wilks* expressed a similar opinion. He had received many communications from Lincolnshire, denouncing the tax, and he advised Ministers to consult amongst each other as to the necessity for withdrawing it. The tax would have the most injurious effect in preventing men from seeking employment at a distance, and would increase the distress of the labourers by circumscribing the market for their labour.

Mr. *Hume* stated, that the invention of steam-vessels had, in a great measure, compensated on the coast of Scotland, for the injury which had been inflicted on the kelp manufacturers by the loss of their employment. There were no less than from thirty to forty steam-boats plying daily between Greenock and the adjacent coasts of Scotland, nor could ten or fifteen minutes elapse without a steam-boat coming in or going out of that port. The result was, that the whole of the coast to the south of the Clyde had become active; the inhabitants had turned their labour towards cultivating small gardens, with the produce of which the markets of Glasgow

were supplied; nor, in his opinion, could any tax more injurious to the industry of that part of Scotland be devised. When it was recollected, that by the aid of steam-boats, we had brought Edinburgh and London within forty-seven miles of each other—he meant forty-seven hours' journey the advantage gained by that improvement was so great and so evident, that nobody could misunderstand it, and nobody ought to wish to diminish it. There was scarcely any thing he would not rather do than assent to the tax in question; and he felt convinced, that if it were to be imposed, the Table of that House would very soon be crowded with petitions, from those parts of Scotland to which he had referred, against it.

Mr. *Cutlar Ferguson* observed, that all the industry of the western coast of Scotland had been called into action by steam, and had since been supported by it. The tax would not fall upon the proprietors of steam-vessels, but on those who availed themselves of that mode of conveyance.

Mr. *Sadler* wished to say one word as to the policy of this tax, and would put it to the noble Lord, whether Ireland had not peculiar claims to a cheap and easy ingress into England, and whether it would not be more consonant to justice to restrain, by some legislative measure, the culpable emigration of the proprietors of Ireland, who drew so much from her, and repaid her nothing. It was, in his opinion, an act of gross injustice to throw any impediment in the way of the Irish labourers in their endeavours to resort for employment to this country. The tax would be a means of preventing communication between the two countries; it would prevent the consolidation of the Union, and he therefore should wish that it might not be enforced.

Mr. *Ewart* said, the tax would prove most prejudicial to Liverpool, and ought not to be persevered in.

Mr. *James Grattan* observed, that the tax on the passage by steam would be considered in Ireland as an attempt to prevent the emigration of Irish labourers into England, and would excite feelings that, under the present circumstances of the country, ought to be avoided. They would, however, still be enabled to avail themselves of colliers and sailing-boats for that purpose.

Sir *Robert Bateson* implored the noble Lord not to lay on this tax, if his only

motive for so doing was the revenue to be derived from it. To Ireland it would do inconceivable mischief, by exciting the easily irritated feelings of the people of that country.

Mr. *Hughes Hughes* said, that the people of the Isle of Wight felt very repugnant to the imposition of the tax on steam passengers, and hoped, in common with him, that it would not be persevered in.

Mr. *Maurice Fitzgerald* considered the tax as an absolute prohibition on the poor Irish labourer coming to England to earn his bread, as it was one of no less than 300 per cent. on the amount of his passage-money. For instance, from Ireland to Glasgow, in consequence of steam navigation, he could now get across for 4d.; while, if the tax proposed should be adopted, the price would be 1s. 4d., which the Irish labourer never would be able to pay. At the same time, he was of opinion, that a beneficial tax might be levied on that artificial power which had, in so many instances, superseded manual industry.

Mr. *Ridley Colborne* agreed with those hon. Members who coincided with the views of the noble Lord, and who praised the measures of the Government; and did not blame those who were opposed to the imposition of the tax: but what he had most particularly to complain of was, the course pursued by hon. Members who got up a debate every night on every tax proposed, with the view to goad the noble Lord and his colleagues into the imposition of a property-tax, which, after all, as had been stated by a noble Earl in another place, would not be agreed to.

Mr. *Holme Sumner* said, that the tax on steam passengers would not have the effect of prohibiting the importation of Irish labourers. But what he was astonished at was, that no efforts were made with that view by the maritime parishes, who had been subjected to the burthen of passing these Irish labourers back to their country, who were allowed to take all the money they had earned back to Ireland in their pockets. The city of Bristol alone had paid 2,500*l.* in this mode last year, and if this tax was imposed it would have to pay double that sum this year. He had expected from the hon. member for Liverpool some statement in opposition to the tax, as to the injurious effects it would have in Liverpool and other sea-

ports in Lancashire, which must necessarily be much greater there than at Bristol.

Mr. *Warburton* said, that the effect which the tax would produce would be, to put down steam-boats in England altogether, and, with them, to throw all persons who were dependant on that mode of employment out of bread. When it was considered that the coal-tax was to be only 5*s.* per Newcastle chaldron on exportation, it would be seen that depots of coal would be formed at Calais, Dunkirk, Ostend, and other places on the coast of Flanders, and enable those places instantly to start steamers, and successfully to compete with the English vessels, as no duty was to be levied on them.

Lord *Althorp* must submit to the House that he was hardly dealt fairly by in this discussion. Although the House had seemed exceedingly gratified at every statement of a tax taken off, they had, more naturally than reasonably, objected to every proposition for a tax to be laid on. Now they must be aware, that in the present state of the Revenue, for every tax taken off there must be some burthen of another sort imposed; and the only question was, how to take off taxes that pressed injuriously on productive industry, and to substitute others that would not have a similar effect? It was said, that this was a tax contrary to all principle; he feared the same objection could be made to most taxes. It would be difficult to state any principle on which taxes ought to be imposed; at least so far as the advantages of labour were concerned. But he must say, with respect to what had been said as to the injustice of the tax, that he could not concur with the remark; for, when every land carriage was taxed, as it was at present, he thought it could not be unjust to impose some tax on the rival mode of carriage. It might, indeed, be proper to modify the tax in some manner, so as not to make it press unequally or improperly on any particular class of persons; but he saw no reason for giving up the tax altogether. It might be said, indeed, that the Government ought to take the tax off stage-coaches and post-horses, which was true; but when the object of the Government was to take off those taxes that pressed most heavily on productive industry, he did not think that any Gentleman in that House would be found to assert that that was the first which ought to be repealed.

He must repeat, that he did not think it unfair to establish between the two modes of conveyance a greater degree of equality than at present. He was ready to admit, that for small distances, the tax as at present stated, might be too high, but that was capable of regulation, and the tax, instead of being charged as now proposed, might, perhaps, be made more to resemble that now put upon stage-coaches. Some hon. Gentlemen seemed to think, that because he had consented to make some alterations in his original plan, he ought to submit to a change of the whole. He could assure such hon. Gentlemen that if they expected him to do so they would be mistaken. The House must be aware, that in laying on fresh taxes, and in remitting others, he was placed under great difficulties, for he was compelled to maintain a complete secrecy respecting his arrangements till he announced them to the House, and was therefore obliged to act, in some respects, upon defective information. He had, however, now received information on most of the subjects connected with the Budget, and should shortly be able to make up his mind decisively as to the course he should pursue.

Mr. *Grove Price* said, that the proposed tax on passengers by steam would be felt as a great hardship by the lower and middle classes. A jaunt down the river was always considered one of the chief recreations of the citizens of London. In his opinion, the proposed tax would bring ruin on Gravesend, Margate and Ramsgate—towns recently built to accommodate the citizens, a great majority of whom took advantage of steam communication. When the noble Lord considered the small advantage which could be derived from the tax, and the great difficulty and inconvenience it would produce, he trusted he would yield in this, as he had done on so many other occasions, to popular feeling and the opinion of the House, and give up the proposition.

Mr. *Tennant* entirely concurred with those who objected to the tax on passengers in steam-boats on the grounds of inexpediency and impolicy. He wished, however, to refer to the noble Lord's apology for the tax, which was founded on the idea that it was a kind of counterbalance to the tax on stage-coaches. He contended, however, that steam carriage did not seriously affect stage-coaches. Stage-coaches had a monopoly of the land com-

munication, and steamers of communication by sea; and the facility of steam communication was an inducement to many to go to different parts of the country, who would otherwise remain at home. Many who went in steamers, also returned by land, and in that way stage-coach travelling was encouraged by steam navigation. The stage-coach proprietors, he was convinced, so far from considering the proposed tax as a boon, would say that it was a tax on stage-coaches. He repeated, that the proposed tax was such, in point of fact. He only asked the noble Lord to inquire, and he would find that this was the light in which the tax would be viewed. He objected to it, however, on higher grounds. It was a tax on productive industry, and contrary to the principle which the noble Lord himself had so forcibly advocated. He himself was intimately connected with a set of adventurers—so they might be called—but he would say a set of speculators [*laughter*]. Well, then, as that excited risibility, he would say, that he was in communication with a company of capitalists and speculators,—who had it in contemplation at this very time, to establish a company for the increase of steam navigation to all parts of the world, not only for passengers, but goods. The proposed tax, however, would prevent all projects of that description, which, he contended, would be attended with great national advantage.

Mr. Alderman *Thompson* thought, that if the noble Lord was as well aware as he was of the advantage and accommodation which the steam navigation on the river afforded to the shopkeepers and citizens of London, who were shut up in a narrow and confined atmosphere six days of the week, he would feel the injustice and cruelty of the proposed tax. The fare to Gravesend was one shilling, and the tax would amount to a shilling also—so that, in that instance, it would amount to 100 per cent. It would be felt, not only in London, but in all the sea-ports throughout the kingdom. The hon. Alderman concluded by reading an extract from a letter which he received from an individual residing in Ipswich, stating, that a steamer, which was about to be started, would be sent for sale to a foreign country, or broken up, if the proposed duty was imposed; and suggesting, that if there must be any tax, it should be laid on the vessel, rather than on the passengers.

Mr. *Shaw* objected particularly to the

inexpediency of the tax as it would affect Ireland. Those who argued against the Repeal of the Union in that country always insisted, that if such an event occurred, a tax of this kind would be inflicted, to the great injury of Ireland. He therefore respectfully submitted, that it would be most injudicious, in the present state of that country, to impose such a tax.

Mr. *Poulett Thomson* said, the question before the House was, the repeal of the duty on coals, and not the tax on passengers by steam. No occasion more unfavourable, he contended, could have been selected for arguing against a tax on steam-boats, than the bringing up of Resolutions which led directly to a measure by which the proprietors of steam-boats would be considerably relieved. The repeal of the duty on coals gave a great advantage to steam communication—a consideration entirely left out by those who argued against the proposed tax. It would be much better, he submitted, to reserve the arguments against this tax till the specific measure imposing it was introduced. The most extraordinary of all the arguments against it was that of the member for St. Alban's (Mr. Tennant), who contended that this would be not so much a tax on steam-vessels, as on stage-coaches. The very principle on which the measure was defensible was, that it proposed a tax on a species of conveyance not already taxed, and by that means put it on an equality with another species of conveyance (he meant stage-coaches), which was already taxed to a considerable amount. When steam navigation was first established, many petitions were presented to the House for a tax on steam-vessels, on the ground that they would be injurious to stage-coach property, and if the hon. member for St. Alban's inquired, he would find, probably, that many of his own constituents had signed those petitions. When the whole of the measures of his noble friend were considered, he thought the proprietors of steam-vessels ought to be well pleased with what was proposed.

Lord *Stormont* objected to the proposed tax, on the ground that it would operate most injuriously on the inhabitants of the Western Highlands. The argument that it would equalise the burthens now laid exclusively on stage-coach property did not apply to that part of the kingdom to which he adverted, because the inhabitants

knew not the blessings of a stage-coach. He hoped the noble Lord would defer to the suggestions of nearly every Member who had spoken, and give up the tax on passengers by steam.

Mr. Alderman *Wood* said, that when the noble Lord proposed a reduction of taxation, there had been a general cheer, but when new taxes were suggested, every one had some objection. He had no particular objection to the proposed tax on passengers by steam, except on the grounds urged by the last speakers. When the Chancellor of the Exchequer came forward with his proposition on this subject, he (Mr. Alderman Wood) gave notice that he should certainly move that Scotland should be relieved from the operation of the measure. The means by which he proposed to effect this was, by doing away with the drawback now paid on malt used in distilleries in Scotland. That was a dead robbery on the country, to the amount of above 200,000*l.* per annum; for he was sure the malt was never used on which the drawback was allowed. He gave notice, therefore, that when the noble Lord brought forward his Resolution for the imposition of this tax, he (Alderman Wood) would move that Scotland be exempted from it, and that as a substitute no drawback should be allowed hereafter to Scotland on malt. There were other means, by resorting to which the noble Lord could effect a considerable saving. There was a Motion of his which stood in the Order Book for a reduction of salaries. Now he would tell the noble Lord, that if he did not effect reductions in the public salaries to the amount of 700,000*l.*, he would not do his duty to the country. If he did that, he might let cotton and other articles go untaxed. If the noble Lord would reduce the salaries of sixty-nine departments which received about 3,000,000*l.* annually of the public money, he could do without the tax upon cotton, and other taxes which he proposed to impose. He hoped, therefore, that the noble Lord would introduce measures of the most severe retrenchment.

Sir *George Clerk*, as a Member for Scotland, thought it right to thank the worthy Alderman for his care of that country, and at the same time to assure the worthy Alderman, that he should support his proposition for excepting Scotland from the operation of the proposed tax; and, with equal cordiality, that he would

support any motion for doing away with the drawback on malt used in Scotland. He hoped, however, the hon. Alderman would extend his benevolence to Ireland; and whilst he excepted that country from the operation of this tax, as well as Scotland, that he would also propose the abolition of the drawback which was allowed to the distilleries in Ireland as well as those in Scotland. After all the discussions which had taken place on the proposed measures of taxation, he (Sir G. Clerk) had come to the same conclusion which the hon. member for Callington (Mr. Baring) had come to last year—that reducing one tax, and laying it on another, could not afford any material relief to the country.

Mr. Alderman Wood entirely concurred in the hon. Baronet's (Sir G. Clerk's) suggestion, for placing Ireland on the same footing as Scotland, with respect both to the tax on steam passengers, and the drawback on malt.

Sir Charles Burrell spoke, not so much from his own judgment, as from that of practical persons, when he said that the proposed tax on passengers by steam would operate injuriously. If a tax was put upon steam-vessels, however, he saw no reason why those machines lately invented, and which conveyed tons of goods, to the great danger of his Majesty's subjects (he meant steam carriages) should be excepted. These conveyances came directly into competition with coaches and wagons.

Sir Charles Forbes thought the noble Lord was like the man and his ass—he endeavoured to please everybody, and had pleased nobody. He recommended the noble Lord, however, to persevere in what, as a conscientious man, he believed to be right. For his own part, he thought the tax on steam-vessels a very reasonable tax, and he would vote for it.

The Resolutions agreed to.

Mr. F. Lewis rose for the purpose of asking the noble Lord whether it was his intention to repeal that particular duty paid on one description of coals, and best known as the Richmond ship-duty, as well as the general duty.

Lord Althorp was understood to answer, that the subject was under consideration.

Lord G. B. Lennox felt called upon, on behalf of the poor of Sussex, who had suffered greatly from the duty on coals, to express his gratitude to his Majesty's

Government for reducing that tax. Great frauds were committed in that article, of which he could state a recent instance. He had imported some coals from Newcastle, and, as they were for his own use, he was anxious that they should be of the best description, and directed that they should be large:—134 chaldrons were shipped, but, when the vessel arrived in the port of Shoreham, those 134 chaldrons had increased to 156, having multiplied on the voyage. The large coals had been turned into small, and he had to pay duty and freight for twenty-two chaldrons more, in fact, than he received. The coals were deteriorated—a great part actually reduced to dust; and yet he had to pay 6s. a chaldron duty, and 12s. a chaldron freight; so that he received an inferior article, and had to pay about 20*l.* more for it. To prevent frauds of this description, he should propose that coals should be sold by weight, and not by measure.

Mr. Astell recommended, that the duty on the manufacture of tiles should be taken off, as it yielded little to the revenue, and pressed severely on the manufacturer.

Colonel Sibthorp thought, that if a duty was to be put on steam-vessels, as proposed, the fair way would be, a tax on the steam-power, and not on the passengers.

A Bill to amend the Customs Acts, founded on the Resolutions for repealing the duty on Coals carried from one part of the United Kingdom to another, and imposing a duty on Coals exported, was ordered to be brought in.

CORPORATION OF DUBLIN.] O'Gorman Mahon presented a Petition from an Inhabitant of Dublin, complaining of the conduct of the Corporation of Dublin, in excluding him from the freedom of that City, to which he was entitled by birth and apprenticeship. The petitioner had obtained a Mandamus from the Court of King's-bench, and had paid the fees necessary for obtaining his freedom; notwithstanding which, the Corporation refused to admit him as a freeman. He described the Corporation of Dublin as very differently constituted from that of London, and very inferior to it in respectability and independence.

Mr. Shaw assured the House, that he trespassed upon it with extreme reluctance. But the hon. member for Clare having

once failed in courtesy, by attacking him in his absence, seemed determined to make amends, by attacking him as often as possible in his presence. The hon. Member had given him notice, a few evenings since, that he had a petition to present respecting the Corporation of Dublin; and on his (Mr. Shaw's) asking on what subject? the hon. member for Clare replied, that it was no matter on what subject; but "it will be enough," said he, "to make a breeze in the House between you and me." But he must protest against the House being made an arena for a sort of Irish pugilism in argument. He hoped the hon. Member would not occupy the time of the House in discussing merely local matters; which he made, by his manner of treating them, directly personal. He denied that there was the slightest foundation for the allegation of the petitioner, and must oppose the Motion for the petition to be read.

Mr. Alderman *Waithman* said, that notwithstanding the compliment which the hon. member for Clare had paid the Corporation of London at the expense of that of Dublin, he was bound to observe, that the petition cast imputations upon persons whom he knew to be respectable, and he therefore could not support the petition.

Petition rejected.

PROPRIETY OF PRINTING PETITIONS.]

Lord *Ebrington* moved, according to notice, for the printing of a Petition, presented on Friday night last, from G. Flight, complaining of corrupt practices in the borough of Bridport.

O'Gorman Mahon seconded the Motion.

Sir *Robert Inglis* was decidedly opposed to the printing of petitions coming from individuals, and he thought that this particular petition should not go forth with the authority of the House.

Sir *Charles Wetherell* observed, that the petition, if presented at all, ought to have been laid before the House three months ago. If the statement of the petitioner was well founded, he ought to have brought it forward as an election petition. According to those who were for the printing of the petition, any man might be calumniated in a petition. Any man, to gratify his private spleen and malice, might call upon the House to publish whatsoever he might think proper to indite.

Mr. *Spring Rice* said, that if the peti-

tion had been a statement of opinions, and not facts, he should be, as much as any hon. Member who had spoken, opposed to the printing of it. He by no means considered that it would be a bad rule to lay down that petitions from individuals should on no occasion be printed; but he could not at all assent to the position, that it heretofore had been the uniform practice of the House to refuse the advantage of printing to the petitions of individuals; on the present occasion, however, he must be allowed to say, that time had been wasted, even in so short a discussion, about a matter of so little importance.

Mr. *Hume* supported the printing of the petition. Though it was a petition from an individual, it related not to any private matters, but to circumstances in which the Members of that House and the public at large were deeply interested.

Mr. *Wilks* likewise supported the printing of the petition.

Mr. *Curteis* saw no necessity for printing the petition of an individual, when a general petition upon the same subject, and from the same place, had been presented before it.

Lord *Ebrington*, in reply, observed, that the general petition had not been presented before the petition then under the consideration of the House; but he had no wish to press the matter, and, with the permission of the House, would withdraw his Motion.

O'Gorman Mahon objected to the withdrawal, and the House divided—For printing the Petition 38; Against it 55; Majority 17.

PETITIONS FROM FOREIGNERS.] Lord John Russell presented a Petition from the inhabitants of Crete, complaining of their suffering under the Turkish Government in that island.

Mr. *Hume* was desirous of knowing whether any person, not being a British subject, had a right to petition that House; and he also wished to know if the petitioners were British subjects.

Lord John Russell said, they certainly were not British subjects; but they thought themselves included in the Treaty of 1827, and were desirous of partaking of its benefits.

Mr. *North* thought, that the limitation to petitions supposed to exist by the hon. member for Middlesex was much too narrow; but it would be, at all events, desir-

able that some rule should be laid down upon the subject.

The *Speaker* said, that a very important question was suggested to the consideration of the House by the hon. member for Middlesex — viz., whether petitions from persons who neither owed allegiance to, nor could claim the protection of, this country could be received. The object of the petitioners was, to obtain the interference of the Crown of Great Britain, to protect them from the miseries under which they were at the present moment labouring. Was this a petition at all? and, if so, was it not a petition to the Crown of Great Britain solely? The petition did not appear to contain any matter which brought it within the jurisdiction of the House of Commons. It commenced “Honourable Sirs,” and stated, that “On the renowned English people, the lovers of liberty, the patrons and protectors of the injured, the Cretans placed their last hope of salvation, looking up to them for the advocacy of the cause of Crete.” It was clear that the petition could not be received by the House of Commons. It was an address to the English nation.

Lord *John Russell* said, that after this declaration on the part of the Speaker, he could have no hesitation in withdrawing the petition. Though he had felt that he could not refuse to present a petition on behalf of persons enduring such great sufferings, he had, at the same time, had some doubts as to its reception.

O’Gorman Mahon regretted the decision to which the noble Lord had come. The French Chamber of Deputies did not refuse to receive the addresses of foreign nations.

Lord *L. Gower* said, that if such addresses were received, it would lead to great confusion in public affairs.

Mr. *Ruthven* observed, that the subjects of this country never addressed other governments.

Petition withdrawn.

HOUSE OF LORDS,

Friday, Feb. 18, 1831.

MINUTES.] Bills. The Postmaster General’s, read a third time, and passed. For procuring Annual Returns to Parliament, relative to the Poor-Rates, read a first time.

Petitions presented. By the Earl of *ROSSLYN*, from the Post Masters of Fife, for an exemption from the Post Horse Duty. By Lord *KING*, from Chichester, for a Reduction of Taxation, and Abolition of Pensions; from the Shipwrights of Dublin, for a Repeal of the Union; from Collumpton, for an Inquiry into the rate of Wages;

and from West Walton, for a Revision of the Tithe System:—By Lord *DURHAM*, from Brancepeth, to the same effect. For Reform, by the Lord *CHANCELLOR*, from Portsmouth:—By Earl *GREY*, from Aberdeen, Irving, Renfrew, Newcastle-upon-Tyne, Bathgate, Dumfries, Kinross, Caithness, Stoke St. Mary, Somerset:—By the Earl of *ROSEBERRY*, from Alnwick. By Earl *GREY*, from the Tradesmen and Freeholders of Galway, for an Alteration of the Law relative to the Franchise.

[MALT AND BEER DUTIES.] The Earl of *Winchilsea* presented a Petition from Sittingbourne, in Kent, praying their Lordships to devise some means of giving Employment to the Labouring Classes; also a Petition from Lenham, praying for the Repeal of the Malt Duty. His Lordship expressed himself in favour of the reduction of the malt duty, which he considered would have a much more beneficial effect than the repeal of the beer-duty. The consequence of the repeal of the beer-duty had been the increase, to an enormous extent, of public-houses, beyond the control of the magistracy; and as they afforded commodious and convenient places for assembling, he attributed much of the disturbed state of the country to them. They were, besides, the means of encouraging smuggling, for though they were nominally opened for the sale of beer, their real object was, to dispose of smuggled spirits.

The Duke of *Wellington* was sorry to hear the noble Earl state, that the repeal of the beer-duty had not been attended with all the benefits which had been expected from it. The tax was considered to be one bearing upon the poor, and therefore such as ought to be repealed. The noble Earl had stated, that the repeal of that tax had done much to occasion the disturbances which had lately taken place in the country; but he would remind the noble Earl, that the repeal of that duty did not take effect till the middle of October, and he believed that the noble Earl was aware that the disturbances in Kent commenced at an earlier period than that. The repeal of that tax could not, therefore, have occasioned those evils.

The Earl of *Winchilsea* said, that he had not stated that the disturbances in Kent arose from the repeal of the duty on beer. What he said was, that those disturbances were very much increased by the conveniences afforded by the beer houses for the assembling of men together.

[COAL DUTIES.] The Duke of *Wellington* stated, that he saw by the votes of the House of Commons, that it was pro-

posed to repeal the duty on Coals. No man was more desirous than he to relieve the public, if possible, from that duty; but he begged to remind the noble Earl, that vast abuses prevailed in the coal-trade in the City of London. Now he wished to know whether the noble Earl proposed to adopt any measures to put a stop to those abuses; and, more particularly, whether the noble Earl meant to introduce any measure for the purpose of repealing the duty on coals received by the city of London, and applicable for the purpose of building the new London bridge. If the noble Earl did not mean to introduce any such measure, he (the Duke of Wellington) was afraid that very little would be done to remove the abuses of the coal-trade; and if the noble Earl did intend to propose some measure for that purpose, he begged to remind the noble Earl of the necessity of finding other means for supplying the deficiency which would be thereby created in the fund for building London bridge.

Earl Grey was as well aware as the noble Duke opposite, that the proposed measure of Government would only remove part of the evils which pressed on the coal-trade. He well knew that there existed also great evils, arising from the abuses in the conduct of the coal-trade in the port of London. He believed that notice of a bill on this subject had been given in another place, to the principle of which he was friendly, and to the details of which he should lend his assistance. With respect to the duty, to which the noble Duke had alluded, as applicable to the purpose of building the new London-bridge, that was a subject for future consideration. It would be desirable, undoubtedly, to relieve the coal-trade from that duty if possible; but at the same time it should be remembered that it was only of a temporary nature. The subject, he admitted, was worthy the consideration of Government.

Lord Teynham called the attention of Government, to the duties collected at such places as Brighton.

Earl Grey said, these duties were local duties, collected for local purposes, and totally unconnected with those duties to which the measure of Government applied.

Lord King said, that the tax on coals at Brighton was applied to the lighting and watching of that place.

The Marquis of Londonderry felt grate-

ful to the noble Earl at the head of the Government, for being the first to come forward to relieve the people from a tax on such a necessary article as coals. No other Ministers had listened to the repeated representations which were made to them on this subject, but he hoped that the noble Duke opposite would give his support to the bill which was about to be introduced to Parliament, on the subject of the duties collected at the port of London.

The Marquis of Bute said, his Majesty's late Ministers were the first who consented to the appointment of a Committee to inquire on the subject of the coal duties, without which inquiry it would have been wrong in the Government to have proposed the repeal of the duty. He did not pretend to know what were the intentions of the late Ministers, but he believed that in consequence of what passed in the Committee, they would have come forward with a measure for the repeal of the coal-duty.

The Marquis of Londonderry believed, as far as the municipal duties of the city of London were concerned, that the late Government would have had no objection to their repeal; but he could not give it credit for any intention of relieving the country of the coasting duty. The noble Duke opposite appeared to him to show a decided disinclination, in the Committee up-stairs, to relieve the coal-trade of the duty of 6s. per chaldron. He thought that a very unjust cry had been raised against the present Ministers, with respect to every thing they had brought forward. Their object appeared to him to relieve the labouring and industrious classes, and he considered it nothing but just, that the funded interest, whose prosperity depended on the welfare of the State, should be called upon to contribute to the necessities of the State. He recollected that the late Government came forward with the spirit-tax, and stamp tax, which they found not palatable, and therefore they were obliged to make other arrangements.

GREECE.] The Earl of Aberdeen rose to put a question to the noble Earl opposite; but before doing so, he wished to observe, that if he had hitherto refrained from bringing under the attention of the House some matters connected with foreign affairs, he had not adopted that course from not feeling the deepest conviction of

the importance of those matters. On the contrary, the House must have seen quite sufficient in the aspect of foreign affairs to justify the anxiety and serious attention of every man. There was, indeed, much that required, and he had no doubt would receive, full explanation. He knew, however, what was due to the situation of the noble Earl opposite; the honour and safety of the country was confided to his hands, and he (the Earl of Aberdeen) should be very sorry immaturity to interfere in any course of proceeding in which the noble Earl and his colleagues were engaged. But the point to which he was desirous of drawing the attention of the noble Earl was not liable to any such objection, for it was not immediately connected with the safety of the country. It would be recollected by the House, that in the course of last Session he had the honour of laying upon the Table of that House, by command of his Majesty, certain papers explanatory of the pacification and final settlement of Greece. Among those papers was a protocol, by which the limits and condition of Greece were settled. When, by the decision of the illustrious person destined to be the sovereign of that country, part of that arrangement remained incomplete, he (the Earl of Aberdeen) informed the House, that the first measure adopted by the plenipotentiaries of the allies was, to assure the Turkish and Greek Governments, that no change should take place in the arrangement as to the limits of the country, but that every thing as respected them should remain immutable. Now, he should not have thought it in the least necessary to call their Lordships' attention to this subject, and would have been willing to leave to the leisure of the noble Earl who was now engaged with more important perhaps, certainly more urgent duties, than the selection of a Prince for Greece, had not his attention been called to a report of a speech spoken by the Secretary of Foreign Affairs in France. In answer to an attack, in the Chamber of Deputies, on the French Government, by a Member who objected to the contracted limits of Greece, the Secretary of Foreign Affairs at Paris stated "That the affairs of Greece had engaged the attention of Government, and he did not suppose that the hon. Gentleman could ever think that French intervention in this part of the world could have been without effect. It was to the intervention of France—to her arms—an omi-

nous expression,—to her sacrifices, that Greece owed her liberty and independence. The frontiers of Greece at first were narrowly circumscribed: they would, he hoped, be extended, and the new State find in them safety and prosperity." He (the Earl of Aberdeen) asked for no explanation on this subject, neither did he ask the noble Earl to state whether the speech he had just read was authentic or not; but he thought that statement justified him in desiring to know whether, after the long and painful investigation which took place on the subject, after the conclusion which was arrived at, and after the assurances given and repeated in the most solemn manner, that that conclusion should in no wise be changed, it was really possible that the noble Earl should have voluntarily opened this subject again, and entered upon another negotiation. The question, therefore, which he rose to ask was, whether any negotiation was now taking place, having for its object the extension of the limits of Greece?

Earl Grey said, that to the question introduced with so much solemnity by the noble Earl, he should certainly have been better prepared to give an answer, if the noble Earl had done him the favour to communicate to him his intention of putting it. He (Earl Grey) did not hesitate to say, that, pressed by other matters of much greater urgency, he had not paid the same attention to this subject as he had to other subjects which were certainly of greater importance. All that he could say at present was, that he was not aware of any thing passing in the way of negotiation respecting that question to which the noble Earl had alluded. It was possible, notwithstanding this declaration, that some negotiation might be begun, and certainly he should have no hesitation in saying, that if limits of a better description could be assigned to Greece, consistently with good faith, such a result would be most desirable for the future independence and safety of that country, as well as for the general advantage of Europe. The noble Earl had read an extract from the speech of the Minister for Foreign Affairs in France, and then said that he did not call upon him (Earl Grey) for explanation. He certainly thought that the noble Earl could hardly call on him to explain a speech delivered by a Secretary of a Foreign Government, still less of a speech which he (Earl Grey) declared he had never seen. To say whe-

ther the speech was authentic or not, was completely out of his power. There was a phrase in the speech which he observed had particularly alarmed the noble Earl—namely, that to intervention by the arms of France, the Greeks owed all they enjoyed of independence and security. Now, however much the noble Earl might be alarmed by the intervention of France, it was unnecessary for him to remind the House, that that intervention, for which the French Minister claimed so much credit for the Government of France, as having thereby established a title to the gratitude of Greece, took place long before the present Ministers came into office. Whether that intervention was right or wrong,—whether it had lessened the credit of this country, or established the influence of France in Greece,—would be discussed when the question came before their Lordships; but, whatever might have been its effect, whether prejudicial or otherwise, to the honour and interest of this country, for that the present Government were in no degree responsible. To revert to the question which the noble Earl had asked, he might, perhaps, be thought deficient in the discharge of his public duty, not to be prepared to give it a clear and satisfactory answer; but he pleaded guilty to thus much delinquency,—that being pressed by other and more urgent matters, he had not directed his attention to this subject, and was not, therefore, prepared to give the noble Earl an immediate answer.

The Earl of *Aberdeen* supposed, that the noble Earl would have no objection to give a decisive answer to the question when he should become acquainted with the subject. With respect to the French Minister's speech, he begged to say, that it had not excited the least alarm in him, nor did he object to the intervention of France; but he thought the term a little ominous after all the declarations which had been made of non-intervention; neither did he object to what had been done by France, seeing that it was done in concert with the allies. He would not now enter into the question whether it was desirable to extend the limits of Greece. But the question which he had put was, whether, after an arrangement had been completed, and solemn and repeated assurances that that arrangement should not be changed, the noble Earl had thought fit to open the question again, and enter into fresh negotiations.

Earl *Grey* thought, that if, after mature

consideration, it should be found necessary to change any stipulations of the treaty, there was nothing to prevent such alterations being made as might be advantageous to the parties interested.

SCOTLAND REFORM PETITIONS.] The *Lord Chancellor* said, he was intrusted with a petition from the city of *Edinburgh*, signed by upwards of 21,700, which he believed to convey the sentiments of all the inhabitants of that city, with the exception of a few individuals, who, amidst the general change which had taken place in the feelings of the country, still held out and retained their old opinions. The petition was very short, but he would not trouble their Lordships with having it read, as he could state in a single sentence its import. They stated, that in *Scotland* the Representation was entirely a mockery; and that by law, all the Members could be returned by persons who never saw the soil of the country. The petitioners further stated (he used their own words) that the effect of this system was, to degrade the people, to render Members unaccountable, and Parliament corrupt, and they prayed their Lordships to remedy the evils created by the system in *Scotland*, by adopting some plan for the improving the Representation of that country. In that prayer he cordially concurred. Independently of his connexion with his Majesty's Government, he was now, as he always had been, an advocate for a temperate, safe, and effective Reform, at the same time that he was a friend to all the established forms of the Constitution, and an enemy to rash and untried theories on this, as he would be on matters of far less importance. He rejoiced that a system of Reform, such as he alluded to, had received the unanimous support of that Government of which he had the honour to be a member. To state at present any thing of the nature of the intended plan of Reform, would be to depart from that resolution which Ministers had taken, as well firmly to press it on the attention of Parliament, as not to divulge any part of it to any man until the time should arrive when the whole would be submitted to Parliament,—a course as wise as it was respectful to Parliament itself. It was wise that to Parliament the first communication of the plan should come, except the respectful communication to a high quarter—that gracious Prince

whom his colleagues and himself had the honour to serve, and of whose assent to the whole plan they were entirely and confidently assured.

The Petition to lie on the Table.

The *Lord Chancellor* said, he had now another petition to lay before their Lordships, still more numerously signed than the last. It was from the Merchants, Manufacturers, and Inhabitants of the City of Glasgow,—a city which had still more reason to complain of the state of the Representation of Scotland than that of Edinburgh. The latter city was said to have the choice of one Member—he did not say it had—and to state that the inhabitants of Edinburgh sent one Member to Parliament was only a fashion of talking, for that Member was not the choice of the 140,000 inhabitants of the city, but of thirty three gentlemen, very respectable, no doubt, in their way, but he would venture to say, that a man might visit Edinburgh over and over again without ever once hearing the name of any member of the Town Council, by whom this one Member was sent to Parliament. These respectable gentlemen took upon themselves the task of saving their fellow-citizens the trouble of selecting a fit and proper person to represent them in Parliament. They also managed the fiscal affairs of that city, just so well as to preserve its Corporation from becoming bankrupt, after the fashion of some other Corporations in that county,—whose leading members, the bailies, as they were called, when they contrived to involve the affairs of the town in complete ruin, left the people to get out of the scrape as they could. By good fortune, however, this was not the case in Edinburgh. But while Edinburgh enjoyed the nominal advantage of having one Member to represent it, Glasgow, with its population of 240,000 and upwards, had only a fractional part of a Member—being only a fourth or a fifth,—the other fractional parts, constituting one whole Member, being shared by other burghs, some of them very ancient, no doubt, but numbering very few inhabitants. The petitioners prayed the House to adopt some measures for removal of the evils of which they complained; and, considering the nature of their grounds of complaint, he could not but admire the calmness and temperance with which they presented their case to the House.

Petition to lie on the Table.

MINISTERIAL PLANS.] The *Lord Chancellor* said, he had now to present a Petition to their Lordships, from the county of Cornwall, also praying for Reform in Parliament; and in so doing he would take the opportunity of correcting an error which seemed to have gone abroad respecting the motion which was to be brought forward on Reform in another place, by his noble friend the Paymaster of the Forces (*Lord J. Russell*). In communications made to him on this subject, he had been asked, whether the plan to be submitted was the plan of *Lord J. Russell*, to which the Ministers would give their support, or whether the noble Lord was only the organ through which the plan of Ministers was to be submitted? He now answered, that the plan which his noble friend, the Paymaster of the Forces, would bring forward, was altogether the plan of Ministers, as much as if it had to be introduced by the noble Lord who represented the Government in this or the other House of Parliament. From the prominent part taken by the noble Lord on that subject, it was considered that the plan of Ministers might, with great propriety, be placed in his hands. A similar course was adopted under the *Rockingham Administration*, when a plan, avowedly that of Ministers, was brought forward by the Paymaster of the Forces.

Petition to lie on the Table.

HOUSE OF COMMONS,

Friday, Feb. 18, 1831.

MINUTES.] New Writs. For *Whitechurch*, in the room of the *Hon. J. R. Townshend*, now *Viscount Sydney*.

Bills. One brought in to Repeal the Coal and Slate Duties, and for issuing 12,000,000*l.* Exchequer Bills. And one to prevent the application of Corporate Property to Election purposes. The Creditors' (Scotland) Bill was read a third time and passed. The Population (Census of Ireland) Bill was read a second time.

Returns ordered. On the Motion of *Mr. Alderman Wood*, the number of imperial Gallons of proof Spirits on which Malt drawback was paid in each kingdom, from the 5th of January, 1830, to the 5th of January, 1831, (under 6 Geo. 4th, c. 58), with rate and amount thereof; as also, the total amount of Money paid, up to the 5th of January, 1831. The three several Acts of 1 and 2 Geo. 4th, c. 82, 4th Geo. 4th, c. 94, 6th Geo. 4th, c. 58:—On the Motion of *Mr. ELLICE*, the number of pounds' weight of Leaf Tobacco, manufactured Segars, and Snuff, paid duty upon quarterly, for the year ending 5th January, 1831, inclusive; also, the rate of Duty, and total amount of the same, distinguishing England, Scotland, and Ireland; and the number of pounds' weight, and amount of Duty collected at the respective Ports of importation, within the same period, and quarters ending 5th April, 5th July, 10th October, 1830, and 5th January, 1831, and total of each quarter and year.

Petitions presented. Complaining of Distress, by *Mr. O'BRIEN*, from the Inhabitants of *Navan*:—By *Mr. O.*

Brown, from the northern part of the County of Mayo. For Parliamentary Reform, by the LORD ADVOCATE, from Perth, Auchtermuchty, Musselburgh, Kinross, the Canongate, East Linton, Blairgowrie, Bathgate, and Roxburgh:—By Mr. HUDSON GURNEY, from the Isle of Wight. By Mr. STANLEY, from Richard Ryan, for the payment of all Wages in Money in Ireland; and from the Unitarian Christians of Cork, for Exemption from serving the office of Churchwarden. By Mr. LAMBERT, from Ballynakill, Galway, for Protection to the Kelp Manufacture. By Mr. G. LAMB, from Dungarvon, against any further Grants to the Kildare-street Society. For the continuance of those Grants, by General O'NEIL, from Ballymeno. By Mr. W. PATTEN, from the Owners of Tenements in Manchester, against the Liability of Landlords Bill. By Mr. JONES, from Dissenters at Carmarthen, for the Abolition of Slavery.

POWER TO BUILD NEW CHURCHES.]

Mr. *Hughes Hughes* presented a Petition from the Clergy and other Inhabitants of Southampton, praying the House to pass an Act to enable individuals to erect and endow Churches, and hold the perpetual presentation thereof, after they have been consecrated by the Bishop. The hon. Gentleman represented the facility which Dissenters enjoyed in this respect compared with the difficulties which stood in the way of the members of the Church of England, and supported the prayer of the petition.

Mr. *Hume* also supported the prayer of the petition. He regretted that some general measure of a similar nature had not been agreed to a year and a half ago, instead of wasting a million and a half of the public money. The public would have readily built whatever Churches were necessary, had it not been for the unreasonable demand of the clergy for purposes of patronage. It appeared to him to be an unaccountable folly in a country like this to throw any bars in the way of private persons erecting Churches.

Mr. *Wilks* supported the prayer of the petition, and expressed the readiness of the Dissenters to concur with the clergy in obtaining for them the power asked.

EVESHAM.] The Marquis of *Chandos* said, that after the decision of the House last night, it would not be necessary for him to trouble the House with any observations preparatory to his Motion. He should now move for leave to bring in a Bill to exclude the Borough of Evesham from the exercise of the Elective Franchise, and to enable the Town of Birmingham to send two Representatives to Parliament in lieu thereof. It was his intention to bring in the Bill, and have it read a first time that night, and then to move that it be read a second time on Monday,

the 28th instant, on which day it was his intention to examine witnesses at the bar on the subject.

Bill brought in and read a first time.

The Marquis of *Chandos* moved, that a Copy of the Bill should be served on the Returning Officer of Evesham, and on the High Bailiff of Birmingham; that a list of the persons entitled to vote for the Borough of Evesham, and their place of residence, and a Copy of the Poll-book of the said Borough, be laid before the House; and that the Speaker do issue his warrant to summon Edward Protheroe, Esq. late member for the Borough of Evesham, and a number of other persons whose name were specified in the Motion, to attend the House on Monday sen'night, to give evidence upon the Bill.

Mr. *Hume* hoped, that whoever undertook this subject, would take care that the country should not be burthened by any unnecessary expense. It appeared to him that loads of documents were about to be produced, which would be expensive. The noble Lord would excuse him, but he could not believe that he and the supporters of the Bill were truly sincere. When everyone but themselves was anxious to postpone any particular proceeding until the general measure of his Majesty's Ministers came before the House, he did not expect that such a proposition would have been persevered in. No doubt the evidence in support of the measure would require a week or ten days to go through with it. Now it was probable the discussion of the general question of Reform, which was to come on on the 1st of March, would occupy a week, and during that time all the witnesses in the Evesham Bill must be kept uselessly in town. He really submitted to the noble Marquis the expediency of postponing the measure.

The Marquis of *Chandos* was as much alive to the question of expense as the hon. member for Middlesex. The step which he was taking was, however, founded on the best reasons. He could assure the hon. Member that he was perfectly sincere; and he could not agree to any delay.

Mr. *O'Connell* observed, that however correct the noble Lord's object, and sincere his intentions, it was his opinion that this particular question ought not to supersede the general question of Reform. If no such great general question were about to be brought forward, then indeed it would be desirable to enter into this

particular case; but as the great question was to come on, it might be very practicable to retain Evesham among the represented places purged by Reform. To him it appeared very desirable to retain the same places, if the popular principle could be infused into them, and they could be cleared of that oligarchical influence which had hitherto been so pernicious.

Mr. *Kennedy* expressed his surprise that a notice of Motion should at that hour (a little after four o'clock) have taken precedence of nineteen Orders of the Day. This was a most unusual proceeding. Not only had the noble Lord obtained leave to bring in the Bill, but he had actually brought it in—a proceeding which, at that early hour, was most extraordinary. The noble Lord's zeal with respect to the borough of Evesham formed a striking contrast to his opinions on the subject of general Reform.

An hon. *Member* said, that his noble friend had last night stated distinctly what his intentions were. Having obtained the concurrence of the House in his Resolutions, the bringing in the Bill was a matter of course. As to the remark of the hon. member for Waterford, it would be recollected that the two questions were fixed for two different days.

Mr. *Littleton* was perfectly satisfied of the sincerity of the noble Lord; but he thought that the noble Lord had better adopt the advice of the hon. member for Middlesex. When there was a moral certainty that the whole of the week in question would be occupied with the discussion of the great question of Reform, why should the witnesses on the Evesham Bill be summoned for a single day, to be kept for so long an interval at an immense expense? He repeated his conviction of the noble Lord's sincerity, yet suggested to him, whether it would not be much better to postpone the matter.

Sir *George Clerk* was surprised at the present objection to his noble friend's proceeding, considering that last night his Majesty's Ministers acquiesced in it. It seemed to him to be an exaggeration to suppose that the discussion of the great question of Parliamentary Reform would be so long protracted. It might occupy two or three days; but it must be recollected, that any proceeding on the proposed Bill of the noble member for Tavistock must be postponed for a considerable

time, in order that the House and the country might have ample opportunity for deliberating upon the subject. The Evesham question, therefore, would in no way interfere with the general question of Reform.

Mr. *J. Wood* thought the Bill introduced by the noble Marquis a work of supererogation. It seemed to him to be of no importance whether it was agreed to or not; for, if the general measure of Reform which was about to be introduced meant anything, it meant that the elective franchise should be given to the large town. As an individual he should have opposed this Bill *in limine*. He had not the least doubt of the sincerity of the noble Lord; all that he objected to was, the time at which the witnesses were to be summoned to attend. Why not examine witnesses in the Committee, instead of on the second reading? He would recommend that they be summoned for Tuesday, the 8th of March, rather than for Monday, the 28th of February.

Mr. *G. Banks* said, the reason why his noble friend proposed to examine witnesses on the second reading was, that at present there was nothing before the House to prove the preamble, or to give any sanction to the measure. It was necessary to have evidence before the Bill could be proceeded with; for it was not, as in the case of East Retford, and other cases, in which there was the Report of a Committee above-stairs. He contended that the noble Lord (the Chancellor of the Exchequer) did not state that the general Reform which he intended to propose would include that of Evesham, and consequently the hon. member for Preston (Mr. Wood) was not justified in arriving at any definite conclusion, respecting this particular case, from what the noble Lord had said; and considered, that as Evesham was not one of those places which had a remarkably small constituency, he was, on the contrary, entitled to assume that it would not be included in the noble Lord's General Reform. In conclusion, he submitted, that as, until the borough was proved to be guilty, the writ ought not to be suppressed, it was necessary to proceed immediately with the inquiry.

Lord *Morpeth* said, that without being great soothsayers, men might undertake to declare that the giving representations to Birmingham would be included in the noble Lord's plan of Reform. As to the

Reform proposed by the noble Marquis respecting Evesham, he did not think anybody out of doors would attach any credit to it.

Mr. *Sturges Bourne* was of opinion, that after what had passed last night, the noble Marquis was justified in pressing his Motion.

Mr. *Hunt* observed, that the East Retford case, and others of a like nature, were calculated to do that which men out of doors were forbidden to do by law; namely, to bring the House of Commons into contempt. He thought this case was one of those which was calculated to bring the House of Commons into contempt. He was of opinion that it would be an act of the greatest injustice to disfranchise Evesham, even if the noble Marquis had proved all that he professed to be able to prove, when it was known to every hon. Member, that almost all the other boroughs were equally corrupt. He certainly would support any hon. Member who should move, that no evidence be taken till after the 1st of March.

Mr. *Spring Rice* said, that if it were for the convenience of the House that the noble Marquis's Motion should be acceded to, the Ministers decidedly had no right to throw any obstacles in his way. He objected to the allusions to the views of his Majesty's Government, made by hon. Members, for he did not think the question of the 1st of March should be brought before them in the present discussion. He submitted to the noble Marquis, whether it would be desirable to commence an examination of witnesses which there was no chance of his being able to bring to a close within any brief period? Besides, the great expenses which attended such inquiries (as was amply testified by the cases of Carrickfergus and East Retford) ought to weigh with the noble Marquis, and induce him to wait until the general question was brought forward.

Mr. *Briscoe* thought, that the noble Marquis ought, in obedience to the dictates of good sense and the forms of the House, to postpone his Motion until after the 1st of March.

General *Gascoyne* said, the question was, not only if Birmingham was to get Representatives, but if Evesham was to be disfranchised? The noble Marquis was entitled to press for his Motion, and the time of bringing it forward was entirely a matter for his own consideration.

Mr. *Stanley* was of opinion, that a good reason why the noble Marquis should postpone his Motion until after the 1st of March was, that he would then know whether it was necessary or no. There was no conflict between the noble Marquis's plan of Reform and that to be brought forward by Ministers; and he thought it would be much better if he would consent to postpone his motion for one week.

Sir *C. Wetherell* said, that they had been told that if the Reform Bill were lost, Parliament would be at once dissolved. Thus it was, Ministers told the noble Marquis—Wait for the Reform Bill, and then bring in your motion for disfranchising Evesham; while they, at the same time, gave them to understand, that if this Reform Bill were lost, the noble Marquis would have no Parliament wherein [*No, no!*] to bring forward his Motion. The right hon. Secretary for Ireland cried “No, no;” but, with all possible respect for that Gentleman, his character, and his talents, he must say, that he considered the First Lord of the Admiralty was more likely to know the sentiments of the Cabinet on this subject. For the right hon. Secretary's services elsewhere, he, as an humble individual, begged to tender him his most sincere thanks. He had acted with a degree of firmness, vigour, and ability, which entitled him to the warmest gratitude of the country. No man, after his services elsewhere, was more worthy to be a member of the Cabinet; but, as at present he was not a member of the Cabinet, he must allow him (Sir Charles Wetherell) to prefer the authority of the First Lord of the Admiralty respecting the intentions of the Administration; and that right hon. Gentleman (Sir J. Graham)—he was sorry he was not in the House—had declared, in as ample terms as parliamentary forms would allow, that if the Reform Bill were lost, a dissolution of Parliament would immediately ensue. He might call upon many hon. Members to support him in this statement with the evidence of their sense, hearing, and understandings. A whimsical thing it was, in the discussion, that the hon. members for Middlesex, Preston, and Yorkshire, who were not *de facto* members of the Cabinet, did yet take upon them to declare, that the vortex of Reform which was to begin to revolve on the 1st of March would include the case of Evesham. Now, although these non-members of the Ca-

binet would fain appear perfectly certain that the measure of the noble Lord would embrace certain objects, yet the fact, in his opinion, was, that no man out of the Cabinet could pretend to know what that would be. [*Sir J. Graham entered the House.*] Sir C. Wetherell expressed his joy at seeing him in his place, and repeated what he had said during his absence. In continuation, he observed, that were he certain the unknown plan of Reform (unknown, at least, except to certain over-learned persons) would embrace the case of Evesham, which was a peculiar one, it would be a reason for his agreeing to the postponement; but in the absence of this conviction, he would support the noble Marquis, and thought that no argument addressed to the parsimony of the House should be suffered to sway on a great constitutional question.

Sir J. Graham said, he took shame to himself for not having been in his seat sooner. As he had been absent, however, at the commencement of the discussion, he hoped he might be excused from arguing the question: since his arrival, he had heard something about those very frequent and fruitful topics—Economy and Reform, but would not touch upon them. He thought, however, he might venture to reply to the appeal made to him by the hon. and learned Member (Sir C. Wetherell); for, as that hon. Member was in the habit of heaping word upon word, and matter upon matter, and principle upon principle, although he had not heard the beginning of his speech, yet, having heard the end, he might calculate he heard it all. The hon. and learned Member declared, that he (Sir J. Graham) said, in terms as plain as the discretion of Parliament would admit, that if the Reform Bill should fail, Parliament would of necessity be immediately dissolved. Now, the fact was, that he, in terms as guarded as words could be, only glanced at the probability of such an event. If the contemplated measure of Reform should fail, it was probable (and in no higher degree of assertion had he put it before) that Parliament would be dissolved. This was what he had formerly stated, and this he did then repeat. The Government was pledged to bring forward a measure of real, efficient, and substantial Reform; and, for one, he could declare, that measure would not have had his support, if it were of the same illusory character as the measure then

under discussion. But he could assure the House his noble friend's measure would neither be idle nor worthless; but, on the contrary, searching and decisive; in short, it would not be of the Evesham character. In considering this question, he had never been induced to overlook the fact, that he was accountable to his constituents, and never would he support any plan of Parliamentary Reform which he could not vindicate on the hustings in the face of his constituents; and he begged to remind and give warning to hon. Members, that in like manner whenever they might give their concurrence and support to any measure of Reform, they would owe an account to their constituents of that support and that concurrence.

Colonel Davies said, he certainly had interpreted the right hon. Baronet's assertion in a stronger sense than the right hon. Baronet that night gave it, and thought he was justified in so doing. He agreed in the propriety of postponing the examination of witnesses, although he was as anxious as the noble Marquis to have Evesham disfranchised, for he lived near it, and knew it to be as rotten a place as any in the Kingdom; and he assured the noble Marquis, that if the plan of the noble Lord did not extend to the disfranchisement of Evesham, he would vote for his proposition to disfranchise that borough.

Mr. John Campbell said, this was one of the most important measures that was ever brought before the House. This was the skirmish before the general battle of the 1st of March. It appeared to him that it was a manœuvre. If it were not, he could only say, were a plan to embarrass the measure of Reform intended, it could not be more ingeniously contrived. If the Motion was carried to bring on that question on the 28th of February, the measure of Reform was lost for ever; he therefore exhorted every man to look well to his vote.

The *Speaker*. The latter observation of the hon. and learned Gentleman was made apparently in ignorance that the question respecting the time for the second reading of the Bill was already decided. The House had then to decide, whether witnesses should be examined on the 28th of February, or a week later.

Mr. John Campbell observed, he was not in the House at the commencement of the discussion.

Colonel Trench said, that nothing but

the hon. and learned Member's absence from the House could excuse his attributing to a nobleman, of the high honour and spotless reputation of the noble Marquis, motives which, in the course of that evening, he had repeatedly disclaimed. In allusion to what had fallen from the hon. member for Preston, respecting Evesham, he wished to ask him, if he was of opinion that one convicted rogue should be suffered to escape because he could not lay his hands upon the whole gang?

Lord Althorp thought it was unwise of the noble Marquis to desire to go into the examination of witnesses, which could not be concluded before the Reform question. As the House, however, had decided that the Bill was to be read a second time on the 28th of February, it might seem strange that the noble Lord should not summon his witnesses on the same day; but as the examination could not be concluded before the Reform question, and as the Reform question should not give way, he submitted to him if it would not be well to postpone his motion until the 7th of March. For himself, he would, in the first instance, support the amendment of the hon. member for Preston, and, to get rid of a difficulty, he would move (he could not do it that evening, but he would as speedily as possible) to have the order for reading the Bill a second time discharged, and deferred to the 8th of March. It was an extraordinary proceeding—one never before heard of—to press such a question on the eve of a measure which must agitate the whole country.

Mr. Ross supported the noble Marquis's motion. He had heard no specific argument against proceeding with the examination except the expense, and that would not be great, for his noble friend did not propose to examine many witnesses.

Sir George Warrender said, he was afraid he should not be able to support the motion of the noble Lord below, if, as he understood, it was one of an extensive nature; but at the same time he must say, that he thought it was most inconvenient to bring forward motions like the present at such a moment, and under such peculiar circumstances. If the case were fully made out against the borough of Evesham, he should certainly vote in favour of the transfer of the franchise to some large town.

Lord Palmerston defended his noble

friend from the misrepresentations that had been uttered concerning him. He should oppose the motion for an examination into the circumstances of this case before the general discussion came on, because he did not think that the House could conveniently entertain that examination. It was said, that there would be only six witnesses on one side: that might be true, but who was there that would venture to say that there would be no more on the other side? There might probably be six for each one of the first six, and then it would be absolutely impossible to finish the examination before the general discussion of the question came on.

Mr. W. Duncombe said, that the threat about appealing to the country if Ministers were defeated, was quite unnecessary, and ought not to have been employed. He would, however, suggest to his noble friend, the propriety of postponing the proposed examination to a later day.

Motion for the examination of witnesses on the 7th of March, agreed to.

[DISTRESS IN IRELAND.] Lord Althorp moved the Order of the Day for the House to resolve itself into a Committee upon the Canada Acts.

On the question that the Speaker do leave the Chair,

Mr. D. Browne said, he was aware that he was taking an unusual and extraordinary course in making any opposition to the Speaker's leaving the Chair, and he hoped the House would visit him with its displeasure if he did not make out a case that justified his departure from the common course. He had had some petitions put into his hands from the western parts of Ireland, and when the House heard the nature of those petitions, he was sure they would think he could not be justified in postponing the presenting of them even until Monday next. In these petitions the strongest complaints were made of want of employment; and it was stated, that many thousand persons on the western coast of Ireland were in a state of starvation, which they expected would overwhelm them before the end of the month. He thought these statements alone would fully justify the extraordinary course he had taken. He had taken that course in the full conviction that his complaints would meet with due attention, for he had been seventeen years in that

House, and he had always found them most anxious to attend to the interests of Ireland. The House would easily understand the wretched condition of the people of Ireland when they looked at the population of Ireland. In that country, with her lakes, and bogs, and mountains, there was a population of 250 persons to a square mile; while in England, with all her wealth and manufactures, there were but 222 persons to a square mile. There were great numbers of persons living on the poor-rates in England, and yet the distress here was admitted to be terrible. It must, however, be much worse in Ireland, where no such relief was afforded to the poor, and where there were twenty-eight more persons to a square mile than there were in this country. He had received from Mr. Lyons, the Parish Priest of Kilmore, in the Barony of Erris, a statement, that before the end of February there would be 30,000 persons without food. There had been a quantity of seaweed thrown up on the shore for a number of years; that weed had made an excellent manure, with which the land had been improved; but, unfortunately, in the year 1829, the sea-weed failed, and the land remaining without manure, the crop of the following year was deficient, and a scarcity of food had been felt ever since. That, however, was not all; the potatoe crop had failed, and the people, for some time back, had been obliged to have recourse to the wretched means of picking up shell-fish on the sea-shore, in order to delay as long as possible the consumption of their stock of potatoes. For the next three or four months this want of food would be most severely felt, and it was to provide against the dreadful consequences of it that he now directed the attention of the House to the subject. There were 200,000 people who, within that time, would require, not food gratuitously—for they did not ask for that—but money, or the means of earning it. He thought that the Government ought to devote a sum for the support of these people, by providing the means of employing them in public works. For that purpose a sum of 200,000*l.* would be required. He had taken the average number of persons at 200,000, and the average time during which they would require assistance he had taken at four months. The amount of assistance he had estimated at 1*l.* per head, which was only 2½*d.* a day, and that,

he thought hon. Members would agree, was only just sufficient to keep souls and bodies together. He said, that in his opinion, the Government ought to supply the money for the purpose he had mentioned. He would not bring forward a specific motion on the subject, as he had confidence in his Majesty's Ministers, and was satisfied that they would do every thing they could for the welfare of Ireland. He had mentioned these things to the Secretary for Ireland, and he wished the Government to act for themselves. He disliked the practice of Government in this country sheltering itself under a Committee of that House, for he thought that, in a case like this, it ought manfully to adopt or reject the proposition submitted to it. There were many persons who objected to giving money to the people, and he was himself opposed to the principle of mere gifts: but in this case the Irish did not ask for gifts, they only wanted the Government to grant the money as the means of paying for public works, for these poor people wanted nothing more than the means of employment. In what he had stated he had been guilty of no exaggeration; he had stated what he believed to be strictly true, and he had done so at this moment, because he thought it to be his duty to forget every thing, under such circumstances, but the absolute necessity of bringing the case of these poor people before the House. He knew that their attention was this evening to be called to matter of the utmost importance, but though he was aware of that fact, he thought it his duty to make this statement, that the Government might interfere to prevent these people from starving. When the money should thus have been advanced by the Government, 150,000*l.* of it must be applied to the public works, but the other 50,000*l.* must be at once distributed gratuitously; for, as there was no provision for the poor in Ireland, this money was required for their support. Allow him to observe, that he had no interest whatever in the barony of Erris. The money, however, could be advantageously employed in improving the neighbourhood of that place, for there was now no road into that place. The want of communication along the coast was very severely felt; and for 150 miles of the coast (at least, if the sinuosities and promontories were taken into

calculation, the distance was fully equal to that), there was not anything like a public road. He thought it was the duty of Ministers to advance this money, and next year the Crown might come on the people, and take, in re-payment, their produce, in preference to the landlord and tithe-holder.

O'Gorman Mahon believed that his hon. friend had only made a modified statement of what was the fact. He wished also to impress on the Government the necessity of interfering between the unhappy peasantry and those who took every thing from them. He called on them to protect that peasantry from starvation. There were some very excellent landlords, who were most anxious to do every thing in their power to assist their poor tenantry. One of these was the Marquis of Sligo, who was now absent from London on that very account; and another excellent landlord, Sir Richard O'Donnell, had returned to his estate for the same purpose. While he was on this subject, he would suggest, that Ministers ought to take that property the original allocation of which had been for the maintenance of the poor, and employ it for the purpose of maintaining them. He believed there could be no mistake as to what he meant—and he should not flirt with the matter—he meant the Church property, part of which had been originally destined for the maintenance of the poor, though the Church, for the support of its own Ministers, now took a large sum from the earnings of the people, and made them no return whatever. He took that opportunity of stating, that the tax on steam-boats would be thought, in Ireland, to be directed against the poor of that country, and he recommended that it should be limited in its nature, and imposed only on cabin passengers. He joined the hon. member for Mayo in impressing on the Government the necessity of turning its attention to this subject.

Mr. J. Smith said, that the statement which the hon. member for Mayo had made had been this day confirmed in substance by the testimony of several most respectable persons with whom he had communicated on the subject. The noble Lord (Althorp) had last night told them, that he had taken into his consideration the state of the Poor-laws of England. It was now to be hoped, that he would turn his attention to the necessity of providing a

Poor-law for Ireland. He would now only add, that on Monday next he should present to the House, petitions similar to those now in the hands of the hon. member for Mayo.

Mr. Stanley said, however inconvenient the course taken by the hon. member for Mayo might be, he should not feel justified if he allowed the petition to be laid upon the Table without observation. He wished it was in his power to assure the House that the statement of the hon. Member, as to the intensity of the distress, was exaggerated: all the inquiries he (*Mr. Stanley*) had made, and they were both numerous and anxious, showed, that in the baronies of Erris and Trawley, distress prevailed to a degree little short of famine. Distress existed also, as was well known, both in Galway and Sligo; but not to the same extent. He had himself received a petition from the barony of Trawley, which he intended to present to the House; and the subscribers to it set out their sufferings in language at once most simple and most forcible. They stated, that they had been obliged to sell their moveables; that the scanty crop of grain had been sold to pay rent; that the potatoe crop had, to a considerable extent, failed; and that the linen-trade being at an end, they could only depend upon the soil, for which they knew no means of compulsory production. "Give us (said the petitioners, in conclusion) but the means of maintaining our wives and our families—we shall be thankful—we will be industrious—we will be happy." Severe as were the sufferings of the petitioners, their representations of them to the House did not contain a syllable of insubordination, or even of discontent; and for this reason it was doubly deserving the attention of Parliament. Government was called upon, under these painful circumstances, to meet the difficulty, and to provide a remedy; but he asked the hon. member for Mayo, or any other Irish Member most zealous for the interests of that part of the United Kingdom, to define what were the means in the hands of Ministers? How could they afford relief on every occasion when the potatoe crop failed? Was a remedy to be found, as some had urged, either in a spoliation of the property of the landlord, or of the Church? It was one of the most painful parts of his duty to be obliged to state,

that much of the prevailing distress was attributable to the landlords. They had not come forward as they ought to have done; and as a proof of it, he might mention, that he had been furnished with a statement of the rental of one of the baronies he had named, amounting to 10,400*l.* a-year; and the House would scarcely believe him when he added, that out of this large rental no more had been contributed to relieve distress than 100*l.* Of this sum, 70*l.* had been subscribed by non-residents, and 30*l.* by one individual, a constant absentee, resident in Kildare. Was Government, then, to be called upon to make up the deficiency of local subscriptions, or give additional means of employment? If he had used strong, perhaps harsh, terms towards Irish landlords, he used them advisedly, and not without knowledge. A gentleman, well qualified, had been employed to inquire and report upon the condition of the part of the country in question, and he stated, that the local subscriptions were trifling, the rents in general high, and exacted to the uttermost farthing. The hon. member for Mayo had certainly not gone too far, perhaps not far enough, in the just tribute which he had paid to the Marquis of Sligo, for his liberality in a neighbouring barony: he had made large importations of provisions, and he had sold them for labour at a very low rate, besides introducing 1,000*l.* worth of flax to keep the women also in employ. If such conduct had been general, petitions like that now offered to the House would never have been prepared. Some hon. Gentleman had alluded to a charitable appeal to the British nation, and he (Mr. Stanley) was convinced that it would not be made in vain. This was a legitimate mode of obtaining and applying relief, but it was not within the sphere of the duty of Government to bring forward a proposition for gratuitous contribution for the removal of local distress. There was, indeed, one mode in which he thought Government could fairly and honourably interpose—by opening the means of new industry. Ministers were prepared to submit to Parliament a proposition for the advance of a very large sum of money, upon sufficient security for repayment, to be employed upon public works. It was evident that it would be necessary to use the utmost caution, in order to take care that the public funds were not wasted or

misapplied to a purpose for which they were not intended. All he could add at present was, that Government was most anxiously engaged in considering the details of a plan to be submitted to Parliament.

Sir *R. Peel* agreed, that nothing could be more painful than such temperate appeals to the commiseration of the House, as that which had been made on the authority of a petition by the right hon. Member, and the pain was not lessened by the conviction that no adequate means of relief could be provided. On one point he had long made up his mind—that a Committee could not be proposed—a public grant could not even be asked without aggravating the prevailing distress. The mere expectation that Government was about to attempt a task it was impossible for it to perform, would tend to dry up even such scanty, miserable, contemptible sources of relief as had been referred to by the right hon. Gentleman. Even the despicable contribution of 100*l.* out of a rental of 10,000*l.* a year would be withheld, if it were supposed that Ministers would come forward with relief; and the mere chance that Government would appear in the markets would instantly raise the price of all the necessaries of life. He (Sir *R. Peel*) thought, therefore, that the right hon. Gentleman had acted with becoming prudence and reserve in not saying anything more specific as to the intention of Government, although he could conceive the existence of such a pressing and overwhelming necessity as might compel the abandonment of the ordinary rules of policy in this respect. True it was, that the right hon. Gentleman could not withhold the fact, that the Government had had an agent in the distressed district; but it showed, that those in authority had taken the proper means to obtain correct information. Government ought not to undertake that which it could not succeed with and which nothing but general sympathy and individual charity could accomplish; and he was perfectly content, from his own experience, to leave the matter in the hands of the Government, without at all requiring it to explain its views. If urged by an overruling necessity, the right hon. Gentleman should hereafter come down with a definite proposition for the relief of distress, he was sure that it would receive a ready assent from the sympathy of Par-

liament. The House could not see a whole population starve, without resorting to any and every plan of relief in its power, not merely from motives of humanity, but on the solid grounds of an enlightened policy. He could not certainly go so far as the hon. Member who had recommended that the landlords should be deprived of their rents, and the clergy of their tithes, as he was opposed to any such tyrannical measures as implied a confiscation of property.

Mr. *D. Browne* explained. He did not mean to recommend that landlords should be despoiled of their rents, or the Church of its tithes, but merely that if Government advanced money to aid particular districts, it should have a claim for repayment prior to those of the landlord and the Church.

Sir *R. Peel* could not go along with the hon. Member even to that extent.

Mr. *O'Connell* observed, that if the State advanced money for such a purpose, it would, in point of law, have a prior claim. He had not intended to have spoken, but, as he had risen, he might add, that he entirely concurred in what had fallen from the right hon. Gentleman (Mr. Stanley), who had pursued the most prudent and the safest course. That right hon. Gentleman was, however, much mistaken if he thought that distress was confined to the western coast of Ireland. With regard to the particular barony, the wants of the poor were, perhaps, ten times greater than the whole rent-roll, and he knew that two or three of the landlords were themselves so distressed, that they could not afford the relief they would otherwise be happy to give. This was not the case with all, and he knew one opulent landlord, though it would be wrong to mention his name, who did not subscribe a shilling to remove the sufferings of his neighbours in 1802, and who seemed, in 1831, determined to pursue the same course. Before he sat down, he would observe, that the distress in the neighbourhood of Dublin was very severe, and out of 14,000 persons in the town of Naas, he believed that 6,000 were in a state of starvation. April would not arrive without many other districts being included in the pale of distress.

Mr. *Stanley* had understood, that there was no immediate prospect of famine in any other district than the baronies of Erris and Tyrawley.

Sir *J. Bourke* said, the Irish landlords were themselves in such poverty, that in most cases where relief was not afforded by them, it arose wholly from their inability to afford it. The abolition of the fishery bounties was another cause of the distress in that part of Ireland, which had not been alluded to; and, though he did not say, that such a measure was not proper, it entitled the poor of Ireland to sympathy. Whatever might be said of the conduct of the land lords of Ireland, he felt great satisfaction in adverting to the example lately set to them by the Marquis of Anglesey, who chartered a vessel himself, filled with provisions for the relief of the poor. He trusted the sentiments uttered that night would induce the landlords of Ireland to look more closely to the situation of their tenantry. He was satisfied it would tend considerably to alleviate distress, if Government advanced money, in conjunction with the Grand Juries, for the promotion of public works, wherever there was a prospect of ultimate success. It would produce future wealth, and prevent a recurrence of the deplorable distress which now existed.

Sir *John Newport* was understood to say, that the system of high rents was too prevalent in Ireland; that nearly the whole produce of the soil was absorbed in rent and tithes; and that landlords too often proceeded upon the fallacious principle of presuming upon a temporary rise in the price of agricultural produce, as a permanent ground for the imposition of rent.

Mr. *Wyse* did not mean to argue against the assertion, that it would not be in accordance with any principle of good Government to advance any large sum at the present moment. The western coast of Ireland was subject to periodical visitations, nearly reaching, and occasionally far surpassing, that which had been just described. He wished, therefore, that means should be found for giving permanent relief. What sort of panegyric was it on the Government of this country that, after so many years, Ireland did not manifest any portion of that moral and physical improvement which characterised this country? There must be something wrong either in the local authorities, the landlords, or the peasantry. Some of the evils under which Ireland laboured had been justly and truly stated. The landlords were too much the ty-

rants, and not sufficiently the fathers, of their people. They seemed to consider them as serfs, and that they did not owe as much to their tenants as the tenants did to them. He was also bound to state, however, that, from commercial and other causes, including the change in the currency, the landlords of Ireland were placed in such a situation, that they could not extend to their tenants that relief and assistance which was required. During the war, they had contracted loans and mortgaged their estates, and as these mortgages were not reduced, they were disabled from affording employment to their tenantry. The right hon. Secretary (Mr. Stanley) had pointed out the mode in which the evil might be remedied, in a manner in which he so fully concurred, that he had given notice, for the 4th of March, of a motion, the object of which was employment of surplus labour, and calling into action the resources which were now dormant. He did not think the advance of a certain sum would be sufficient, though it might give a stimulus for the moment. The fund must be kept up, and it was necessary the Government should co-operate with the people, and the people with the Government. The Board of Works should have the assistance of the country; and those who derived incomes from the country, and were absent from it, should contribute largely. If they did not give their knowledge and skill, they should, at least by their purses, render assistance to Government. The Government should also adopt a system of conciliation, which would do more than proclamations or Acts of Parliament to tranquillize Ireland. He wished to see the two countries mingled together, and standing, as they ought to do, in full companionship. He wished to have the Union consummated, and was anxious that no proceeding should be adopted tending to divide the two countries. It was upon this ground that he conceived the proposed tax on steam passengers should be strongly reprobated. It was important that not the slightest doubt should exist in the minds of the people of Ireland as to the intentions of this country. Labour was the only property of the poor man, and every facility should be given to him to bring his labour to the country where he was best remunerated. A shilling was a small sum, but it was considerable to a poor man, and, if a tax were

needed, he said, let it be imposed upon the rich absentee, and not upon the poor labourer who came to this country for a livelihood, and returned with his earnings to his family. He could assure the House that it need not fear ingratitude from Ireland: every shilling that was advanced would be repaid with interest and affectionate regard. He need only refer to what took place in 1822, when the name of England was hailed with blessings even in the remotest part of Ireland, to show what was now to be expected by adopting a liberal course of policy. He was sure he should not appeal in vain to the generosity of the House.

An hon. *Member* contended, that the only remedy applicable to Ireland was a graduated system of Poor-laws. They had heard of an Irish landlord, who, out of a rental of 10,000*l.* per annum, gave 100*l.* to relieve the wretched and starving peasantry. After such an instance, could any one doubt that Poor-laws were necessary? In his opinion, a system of Poor-laws would do more good than all the measures ever proposed for Ireland.

Mr. *Maurice Fitzgerald* said, that whatever might be the extent of the distress, it was a matter of difficulty and danger for Government to make large pecuniary advances. He had stated this as his opinion elsewhere, and he should be unworthy if he hesitated to avow it. He spoke not merely from principle, but from experience. When the Government yielded to overwhelming circumstances, and made an advance for the purchase of food, some years ago, the consequence was, an enormous loss to Government, and the enhancement of every article of provisions. More recently in conjunction with the noble person now the Lord President of the Council, (the Marquis of Lansdowne) he (Mr. Maurice Fitzgerald) went to the Duke of Wellington, then at the head of the Government, to ask for assistance for the inhabitants of a particular district, which it was apprehended would be visited with famine. The Duke of Wellington did not think the distress justified the interference of Government. He said, he feared to meddle with the markets, for the moment Government became a purchaser, the prices were enhanced. By local exertions the evil was averted, chiefly owing to the exertions of two clergymen—the one Protestant, the other Roman Catholic. A subscription

was made to the amount of 200*l.*, and the evil was in this way prevented. Before Government was called upon, therefore, to act, every local exertion should be made, for nothing was more dangerous than to encourage the idea that, wherever there was distress, a ready resource might be found in pecuniary aid to be derived from Government.

Mr. *Sadler* said, that it must be in the remembrance of hon. Members, that he had frequently declared his opinion, that it was incumbent on them, not merely to remedy the past distresses of the Irish poor, but to anticipate their recurrence. Nothing could rescue the poor of Ireland from the periodical returns of famine, but a wise system of Poor-laws. In no other civilized country were the poor wholly destitute of some such provision. The misery complained of that evening confirmed him in his opinion, that the wretched condition of the people was not attributable to the excess of their numbers. Where was it that the peasantry were now reduced to the extreme verge of existence? In Mayo, one of the least populous of the Irish counties. He attributed their misery, and that of all Ireland, to the drainage of the capital of the country by absentees, who drew from that one county as much as 80,000*l.* annually, out of which they did not contribute to the maintenance or relief of the poor one farthing in the pound. For the evils thus occasioned, there was no remedy but in a system of Poor-laws, which, it was unnecessary for him to say, were no new invention, and the delay of their introduction into Ireland was inconsistent with justice and mercy.

Mr. *Stanley* begged that the House would allow him to reply to one point of the speech of the hon. Gentleman who had just sat down, as he thought it particularly worthy of consideration. The hon. Gentleman stated, that the fact of Mayo, the least populous county in Ireland, being at this moment the most distressed, proved that the wretchedness of the people was not attributable to the excess of their numbers. But the hon. Gentleman did not seem to be aware that the excessiveness of a population is not to be estimated by the proportion which the numbers of men bear to the number of acres, but which they bear to the quantity of capital by which they are to be employed.

The Petitions laid on the Table.

CANADA.] The House resolved itself into a Committee upon the Canada Acts.

Lord *Howick* said, that he rose to move Resolutions, on which he should afterwards propose a bill, which his Majesty's Ministers considered necessary, in consequence of the angry controversy which for some time had been carried on between the House of Assembly of Lower Canada, and the Executive Government of that colony: The debates which had already taken place on the subject in the House which he had then the honour to address, rendered it unnecessary to go at length into a detail of the controversy to which he had alluded. It could only be requisite, for the information of those Members who had but recently taken seats in the House, that he should give a brief sketch of it, and of the proceedings to which it gave rise. The revenues of Canada had been principally levied under the provision of the Act of the 14th George 3rd. By another Act, however, the Constitution of Canada was established, and under the words of that Act, he (Lord Howick) believed that the strict legal right of disposing of the revenues of the Canadas was vested in the Crown. Nor did the Assembly claim any right to dispose of them up to the year in which the British Parliament discontinued the grant by which, until then, it had been accustomed to make up for the deficiencies of the Canadian revenues. So long as Parliament here gave the necessary Supplies for the internal expenditure of the colony, the House of Assembly did not interfere. But when it devolved on them (the House of Assembly) to find the necessary revenues, that House had obviously a right to control the application of them, and it became necessary that they should exert that control. For they could not consent that the government should lay on what charges it might think proper, without consulting the House of Assembly, and call upon that House to find the means of defraying them. Indeed the Act was clear. The House of Assembly had no legal right to a control over the application of the revenues, but it was obvious that it had the power of refusing to supply them; and by that refusal it would leave to the government only the alternative of either disposing of the revenues at the pleasure of the Assembly, or of raising them itself in an illegal manner. To such a conclusion the differences of the Assembly and

the Executive were brought by the Governor (Lord Dalhousie), and, unfortunately as it seemed to him (Lord Howick), the government chose the alternative of committing a breach of the laws. The House was aware of the unhappy state in which the affairs of Canada continued for years. Petition after petition was forwarded from the colony to the British Houses of Parliament, and the result was, the appointment of the Canada Committee, which eventually recommended to the House the course which to him seemed the most just and reasonable. He would remind the House that it appeared by the Report of that Committee that it had not thought proper to confine its attention to the words of the different Statutes; but took into consideration all the circumstances of Lower Canada, and the means by which a recurrence of the recent differences might be prevented. It was in the power of Parliament to make a settlement according to the recommendation of that Committee. But the Report was presented too late for the passing of such a measure last Session. Sir James Kempt, who at that time received the government of that colony, under the administration of the right hon. and gallant Baronet opposite, made a speech to the House of Assembly, in which he informed them that no further illegal appropriation should take place. He applied to them for a Bill of Indemnity for what had been already done, and stated, that his Majesty's Ministers only required that the salaries of the Officers of State, and of the Judges, should be paid, being willing to leave all the rest at the disposal of the House of Assembly. He said, that the arrangement was for the time only provisional, and that the government were preparing a plan for the final settlement of the question at issue between it and the Assembly. In a few days afterwards the House of Assembly claimed the right of control over the disposal of all the revenues, and denied that the House of Commons had any control over those revenues, or had any power of interference, except in removing the restriction by which his Majesty's Representative in the colony was then prevented from giving assent to an Act of the Provincial Legislature for the settlement of the question. The Assembly said, that it could do nothing respecting the appropriation of the Crown revenues, and cautiously avoided anything that could imply

the surrender of their right of controlling the expenditure. The Governor, however, accepted the grant then given on that understanding, because, although the House of Assembly did not give up its right of control, neither did it enforce the claim. Since that time it had required all the prudence, the firmness, and the popularity of Sir James Kempt to prevent disagreement between the Legislature and the Executive of the colony from leading to unhappy results. Under those circumstances, it would be his duty to propose a Bill, removing the restrictions which the former Acts imposed upon his Majesty's Government, and to enable the Governor to give assent, in the name of his Majesty, to any bill passed by the Provincial Parliament for the disposing of the revenues of the colony. Although the Bill which was last Session proposed by the right hon. and gallant Baronet, then Secretary to the Colonies, (Sir G. Murray), was in direct opposition to the opinions of the House of Assembly, yet it would put the Canadians in the same state in which he now proposed to place them by the Bill which he was about to introduce. But in acquiescing in the Bill of last Session, the Canadian Legislature would have distinctly admitted that they had been wrong in their proceedings; whereas it had been the declared opinion of Mr. Huskisson and others, who understood the whole question, that if any concession should be made, it ought to be made graciously, and without reserve. It was useless, indeed, then to decide which party had been wrong in beginning the unhappy controversy. He, certainly, was of opinion that the Judges and Officers of State ought not to be made dependant upon the pleasure of the House of Assembly; and his Majesty's Government relied upon the good feeling of that Assembly for a proper provision for conducting the civil Government of the colony. In that confidence the Ministers would leave the whole of the revenues at the disposal of the House of Assembly. The revenue hitherto levied by the Crown amounted to nearly 32,000*l.* per annum, which the Crown proposed to give up, calling on the colony to provide a sort of Civil List for at least seven years. The sum required by the Government would be, for the Governor, 5,200*l.*; for the Judicial Establishments, 11,150*l.*; Pensions and Allowances 1,000*l.*; Miscellaneous Expenses, 1,750*l.*, by which the

whole became 19,100*l.* Of that sum, 5,000*l.* were provided by an Act of the Provincial Parliament, and, therefore, in return for the revenues of the Crown about to be placed at the disposal of the House of Assembly, and amounting to 31,000*l.*, the Government only required 14,100*l.* He trusted, that the House of Assembly would perceive, from that Bill, that his Majesty's Ministers had consulted, not only the interest, but the feelings of the inhabitants of Canada. An hon. Member reminded him that there were other points on which it was necessary to consult the feeling of the Assembly. He trusted, that in adjusting those other matters there would not be much difficulty. As to the Constitution of the Legislative Council, of which the House of Assembly complained, fourteen Members had already been added to that branch of the Canadian Legislature, and his honourable friend intrusted with the Government of the colony, would, in adding to the numbers of the Council, select the fittest persons. With respect to the Judges, it was not in the power of the Government to remove them from the Council as the Assembly desired, the Members being appointed for life; but directions had been given that none of them should take part in its proceedings or sit there at all but the Chief Justice; and his Majesty's Ministers had also recommended the present Judges not to interfere in any party or local controversies. It was but justice to the right hon. and gallant Baronet opposite to say, that such instructions had been given whilst he was at the head of the Colonial Department. The Governor would propose a bill to the Canadian Legislature, to place the Judges in the colony in the same independence as that which the Judges of this country enjoy; that is, that they should hold their offices during good behaviour. He trusted that those explanations had satisfied his hon. friend, the member for Taunton (Mr. Labouchere). There was also in the Bill a clause, giving to the Provisional Legislature power to alter and amend the Act at present in force respecting Canadian tenures. He trusted that those concessions would give satisfaction in the colony; and he trusted also, that it would be seen that his Majesty's Government had not compromised the paramount power of this country, or the dignity of the Crown; neither of which could be impaired by yielding to just

claims. It would have been impossible to resist those claims, and he would ask, did he or the House regret that impossibility? He rejoiced rather that the Canadians had had the intelligence and the power to assert their rights. It was better for this country that the colony had so asserted its rights, and had not cringed to those who would invade them. Of what use, he would ask, could it be to this country, that its Government should have that power of control over the internal affairs of the colonies, which seemed to be so much valued by some persons here. He had been accused on a former night of neglecting colonial interests. He admitted that he wished to avoid vexatious interference in the internal affairs of the colonies. But he was desirous of protecting them from aggression, of cherishing their prosperity, and of combining their efforts with those of the mother-country—in peace for the common welfare, and in war for the common defence. On such principles he should wish the connexion to continue for ages. Governed on such principles, the colonies would be found more useful, as willing allies, than they could be as reluctant subjects. But if the House should view the matter in a different light, and, rejecting the Bill which he should have the honour to propose, should endeavour to suppress the spirit of liberty, the effect, he feared, would be, that instead of binding more closely the ties which unite Canada to this country, it would not only tear them asunder, but kindle a conflagration which would spread desolation over the globe, and prove fatal both to the prosperity of Canada and to the stability of the British empire. The noble Lord then moved a Resolution, "That the Committee was of opinion, that the restrictions imposed upon the Government and Legislature of Canada, by the Act of the 14th Geo. 3, should be removed, and other provisions established in lieu thereof."

Sir *G. Murray* asked, was there a Gentleman in the House who, having heard the other bill brought in on the subject of Canada, could think that there had been any want of attention on the part of his Majesty's late Ministers towards that colony? In the Session of 1829, the bill to which he alluded was postponed, in consequence of the important measure which absorbed the whole attention of the House during the greater part of that Session to

the exclusion of everything else. Last Session, the melancholy event by which the business of the House was interrupted caused a further postponement of that bill. It had always appeared to him (Sir George Murray) that the Legislature ought to interpose for the purpose of settling the differences between the two branches of the Colonial Legislature. The right hon. Baronet said, it was true that the paragraph in the Report of the Canada Committee, which had been already referred to by the noble Lord who moved the Resolution, recommended the removal of the restrictions by which the Crown was prevented from assenting to the disposal of the revenues by the Colonial Legislature; but he wished the House also to recollect, that in the next paragraph the Committee recommended that the House of Commons should, at the same time, render the Judges and the Officers of State independent of the House of Assembly. But the noble Lord opposite, instead of carrying that recommendation into effect by his intended Bill, was about to leave it to the good feeling of the House of Assembly. He hoped, however, that the noble Lord would find his expectations, in that respect, justified by the result. The noble Lord had said something of the jobbing which, hitherto, characterised the Government of the Colonies. Now, he would request the noble Lord to say what job could be charged upon the Colonial Government when he (Sir G. Murray) was at the head of that department? The noble Lord had an opportunity of exposing any such job, and he hoped he would do so. The principle on which he (Sir G. Murray) had acted was, to govern the Colonies with liberality, but, at the same time, not to allow the House of Assembly in Canada to obtain an undue preponderance over the other two branches of the Legislature. It had also been part of his policy to extend, as much as possible, the Legislative Council, by adding to its members the fittest persons who could be selected.

Lord Howick said, he certainly meant to make no personal allusion to the gallant Officer, but he appealed to the House, whether the colonial administration of the country had not been for years one system of jobbing? In saying so, he had not meant to asperse the administration of the right hon. and gallant Baronet, who had misunderstood him also on another point. He quite agreed with him as to the pro-

priety, indeed the necessity, of the Governor, the Judges, and other civil officers being independent of the House of Assembly, and a bill to render them so would be passed by the Provincial Legislature.

Mr. Labouchère said, that he had opposed the bill brought in by the right hon. Baronet opposite, but he would support the Bill of his noble friend below him. It was his opinion (and he well understood the state of Canada), that the best mode of governing Canada was, that this country should not attempt to govern that colony at all as far as regarded her internal affairs. He believed the Canadians to be loyal, and attached to the connexion with Great Britain, if they were only treated with justice. But if this country should alienate them by harshness or neglect, and thereby throw them into the hands of some hostile Power, we should severely suffer for the impolicy of our conduct. The British Parliament owed it to its own character to give to its colonies as much happiness and freedom as it was in its power to bestow. He hoped that the principle upon which his noble friend below him had acted, regarding the revenue, would be applied to other questions, especially to that of the Clergy reserves.

Mr. Twiss observed, that the only differences between the Bill of the noble Lord and that of his right hon. friend, introduced last year, were to be found in these two points; namely, that the present Bill enabled the Governor to assent to any measure which the House of Assembly might adopt; but made no provision for the appropriation of the revenue in the intermediate time. The other was that which declared the independence of the Judges: with those two exceptions, the Bills happened to be in every respect the same.

Lord Sandon had no doubt that the experiment of his noble friend would prove successful, and he sincerely congratulated him upon the prospect then afforded of his being able to carry it beneficially into effect.

Mr. Hume said, there was this difference between the two Bills—the one could be carried into effect, the other was impracticable. He fully concurred with the noble Lord in thinking that it would be infinitely better to trust to the liberal feeling of the people of Canada, than to any measures of coercion which the Legislature of the mother-country might adopt. He wished to be informed, whether the Bill before the

House applied to both the Canadas, for he was quite sure that if it did, it would be thankfully received as a boon by both and highly prized by them. [Lord *Howick* intimated that it did.] Should the present Bill pass, he thought that the people of Canada ought to support the expenses of their own military establishment. Three regiments would be sufficient for their defence, and there was every reason to believe, that if they were allowed to officer those three regiments with the youth of their own country, they would cheerfully pay the expense of the whole establishment.

Lord *Howick* wished to point out another difference between the present and the bill of last year. The latter assumed the right of voting away the money of the people of Canada; the present Bill was silent on that point.

Mr. *Twiss* said, in the amended bill of last Session, that right was not asserted, though it was in the original bill.

Resolution agreed to.

ARMY ESTIMATES—BELGIUM.] Mr. C. W. W. Wynn moved the Order of the Day for the House resolving itself into a Committee of Supply.

On the question that the Speaker leave the Chair,

Mr. *Hume* observed, that on the accession of the present Administration to Office, the expectations of the country had been wound up to a very high pitch, and however reluctant he might be to use the language of complaint, he could not but say, that those expectations had been sadly disappointed. It would be in the recollection of the House, and of the nation at large, that the existing Ministry had attained to their situations on the three great principles of Retrenchment, of Non-interference with Foreign States, and of Reform. To advert to the first, he had been grievously disappointed to find that so large a military establishment was to be proposed. The great mass of the community were persuaded that such an establishment was unsuited to its wants and beyond its means. Where was to be found the necessity for such an army, if there was to be no interference with the affairs of other countries. In the expenses of the army, the last Administration effected a reduction of 300,000*l.*, reducing the annual expense from somewhere above 6,300,000*l.* to 6,100,000*l.* The number

of men composing last year's military establishment was 81,000; this year it was to be augmented to 88,000. He was utterly unable to comprehend the necessity for all that when Ireland was in a state of perfect peace. Oh, yes, there were Proclamations enough. Yes, Proclamations enough from both parties, but no war. Was Ireland to be kept by force of arms, or was it to be preserved by the observance of the just and legitimate principles of good government. If the former was to be the course pursued, neither the additional quantity nor any number that could be estimated by any man, would prove sufficient for the purpose. He would venture to tell the noble Lord, that not all his professions of economy, nor all his practice of it in the abolition of civil offices, would be available to meet the reasonable demands of the country, if he did not cut down the military establishment of the country to the standard that its necessities required. He talked of the difficulty of getting rid of taxes; but let him only strike off 10 or 15,000 men from the army, and he might repeal 4,000,000*l.* of taxes without any embarrassment or difficulty, and without imposing one-half the amount of new taxes which it would seem he intended to lay on. As to the Budget, it certainly, so far as it went, had his approval, with the slight exception that he could not at any time assent to the duty on raw cotton; neither did he think that the tax upon steam-vessel passengers was in accordance with the principles Ministers professed; with these slight exceptions he certainly was not opposed to the Budget of the noble Lord. It was with the deepest disappointment he heard from the noble Lord, that he could make no further concession unless he imposed fresh taxes. He really did hope for further relief than so small a sum as 480,000*l.*, which was the extent of the apparent diminution in this year's taxes: but if, in consequence of the alteration of the Beer duties, the Excise turned out as productive upon the whole year as might be inferred, it would prove from the Return of the last quarter, that the country would have been burthened as heavily by the present Ministry as by the last; in fact, it would turn out, he feared, in the end, that not a shilling had been remitted. For example, they might diminish the force in Canada; there were more troops in Canada than in the whole of the United States,

with their vast extent of territory, and, after all, for no useful purpose; for no military force could defend Canada from the United States, if the hearts of the people became alienated from the mother-country—if the militia of the colony were not prepared to resist invasion. He again pressed upon the House the weighty obligation under which it lay, to insist that Ministers should reduce the Army Estimates. He begged them to remember that every thousand men cost the country forty or fifty thousand pounds. Another place in which military force might be diminished, was the Ionian Islands. What occasion was there for maintaining a force there at all? But he feared it was idle to press those considerations any further; there was something infectious in the Ministerial benches, and the moment the advocates for reform and retrenchment got seated there, they were afflicted with all the fear of dispensing with the soldiery which distinguished their predecessors. It was in vain any longer to contest the point—either the great military establishment of the country was to be kept up for the purpose of awing the people, or for the purposes of foreign intervention. It was on that ground, then, that he would recommend to the House, to give the Ministers a vote on account, and send them back to reconsider their Estimates. It was in vain that they sought to conceal the purpose, or lay claim to an observance of their undertaking on the subject of non-interference—it might be very agreeable to play the great man. The present Administration might very well like to be one of the great Powers. The noble Lord opposite might desire to figure away as a great man; but whether that was or was not the wish of the present Administration, they might assure themselves of this, that they had arrived at a point when they must use force. The last proposition of the five great Powers had been rejected, and they must now use their last resource,—force. On the 2nd of November, the Speech they heard from the Throne led them to infer that the intention of the then existing Ministry was, to support the principles of the Holy Alliance, under which Europe was parcelled out and settled, as the phrase went. On the 4th of November the Belgian Deputies received from the Duke of Wellington an assurance that there should be no interference in the internal affairs of the country, and that as-

surance was reported to the Congress then sitting at Brussels. On the 4th of that month, a Protocol was issued from the five great Powers, recommending an armistice; on the 10th the Belgians accepted that proposition, conditionally, that no interference should be attempted in their internal concerns, and especially, that no interference should take place with respect to their limits. On the 17th of November, the five great Powers accepted the Belgian offers of an armistice upon the terms they stated, and gave an assurance, that the whole proceeding on the part of those powers should be perfectly amicable. On the 6th of December a note was delivered to the five great Powers, to inquire whether the Belgian Government had correctly interpreted their intentions, and in a few days the independence of Belgium was recognized, and the Belgians were recommended to send Commissioners. On the 6th of January the Belgian Deputies delivered a note to the Congress assembled here asserting, that the Belgians alone were entitled to settle their limits, and that they would tolerate no interference upon that subject. On the 19th of January the Committee of Government at Brussels declared to the Allied Powers, that the Belgians would not consent to their interfering as to the limits of Belgium. On the 20th of January notwithstanding this Protocol was issued by the Congress at London, expressly upon that very subject, and setting at nought the declaration of the Belgians. On the 2nd of February, the Belgian Congress delivered in a protest, declaring that, they would not have their limits interfered with; and on the 23rd, it appeared that Lord Palmerston, who was one of the great Powers, wanted to know the state of the Belgian debt, with the view of determining what portion of that debt was to be fixed upon Holland, and what upon Belgium. If any thing could be called an interference, here was one. We were already at an expense of 120,000*l.* a year, owing to our interference with the debts of Russia. Again, as a further evidence of the spirit of interference, the five great powers declared on the 17th of February that they would not recognize the Duke of Nemours or the Duke of Leuchtenberg as king of Belgium should either of them be elected. Could there be more striking instances of the spirit of interference. Would the British nation, say that this was non-interference? Would they say that this was

not dictation to an independent State? Would they say, that this was not a revival of the odious system of the Holy Alliance—a system which, thank God, in spite of all such attempts to revive it, would crumble to atoms? The Government had taken on itself to refuse the Sovereignty to the Duc de Nemours, and to the Duc de Leuchtenberg; but would the noble Lord tell the House to whose appointment the Government would consent. He had reason to believe, indeed, that our Ministers had in conjunction with the other powers settled who was to be king of Belgium. He inferred that from finding that one of the Protocols of the congress at London had not been published. In the *Courier Newspaper* he found the following statement:

Protocol No. 15 of the Conference held at the Foreign Office, on the 7th of February, 1831, in the presence of the Plenipotentiaries of Austria, France, Great Britain, Prussia, and Russia:—

The Conference was opened by the French Plenipotentiary, who presented a declaration, stating, that the Government of the King of the French considered the refusal of the King to accept the Crown of Belgium for the Duke of Nemours, as offered by the Congress, was in unison with the tenor of the Protocol of the 11th of January.—

He wanted to know, what this protocol of the 11th of January was, having reason to believe, though he should be happy to hear that such was not the case, that that protocol contained an agreement as to who should be king of Belgium. The protocol of the 7th of February went on—

—and that, being informed that this offer was to be made, his Majesty had directed his plenipotentiary to repeat his former declarations on this subject. The plenipotentiaries decided upon introducing those communications into the present Protocol, and subsequently took into consideration the possibility of the throne being offered to the Duke of Leuchtenberg; being unanimously of opinion that the latter choice would not be in unison with any of the principles laid down in Protocol No. 12, of January 27.

Now he wanted to see this protocol, “which stipulated,”—He wished particularly to beg the attention of the noble Lord to the next three lines—

—which stipulated that the King of Belgium should himself be answerable for the principles of the country; and that he should be accountable by his personal situation, for the safety of the neighbouring States. If the

sovereignty of Belgium were offered by the Brussels Congress to the Duke of Leuchtenberg, and if that Prince accepted it, he would not be recognized by any of the five great Powers: (Signed) Esterhazy, Palmerston—and the names of the Ministers of three others of the great powers.

Did such declarations as these come within the meaning of non-interference? Would the British nation say that this was non-interference? Would it not say that it was an attack on an independent State? Would it not say, it is a following-up of the system of the Holy Alliance, which our present ministers, when out of office, had condemned? What! The people of England—the friends of freedom,—they who made choice of a Sovereign for themselves—they who would let none interfere with their choice,—they who maintained their choice—ought a Minister of England to join with despots to force on a free people the king that should rule them? The five great Powers had refused to agree to the election of the Duke of Nemours, and said that they would not agree to that of the Duke of Leuchtenberg. He asked what then in accordance with that protocol, which was kept concealed, were the principles on which Belgium was to be allowed to choose a king?

On the 10th of February, this protocol, dictating who should not be King, was presented to the Belgian Government. With all the cunning that had been exhibited, however, he thought that the Powers were over-matched; because, when one of the Protocols was sent to Belgium, Bresson, the French Representative there, had refused to sign it; in fact, he dared not sign it; for he well knew what the state of the public feeling in France was on the subject. The consequence of this had been, that the paper had been thrown back with contempt upon the five great Powers. Nothing, in his view of the subject, remained, but for a hostile force to enter Belgium. The Belgians were prepared to receive such a movement; and, unless the noble Lord was ready to confirm the decrees of the five Powers by marching troops into that territory, he maintained, that they must be content to have all their protocols rejected in like manner. He had entered thus fully into this subject, because it was evident that it was proposed to keep up the military establishments of the country to support such a measure; and were the people to be

made to pay for this interference? It was on those grounds that he called on the House not to sanction such a proceeding; and he therefore proposed to call for copies of all the protocols and documents connected with Belgium. He was not aware, after this rejection to which he had alluded, whether all negotiations were not at an end; and he would ask the country, whether it was in a condition to enter Belgium for the purpose of forcing the Belgians to receive a King such as the Government of this country should think proper to dictate? He knew that he should be told in reply, that it was necessary to support the dignity of the Crown; but he begged leave to tell them, that that was not the way to support its dignity: the true dignity of the country was to be supported by retrenchment and economy, for that would be the means of maintaining happiness and peace throughout the kingdom. He begged leave to move, as an amendment, "That an humble Address be presented to his Majesty, that he would be graciously pleased to direct that there should be laid before that House copies of all the protocols of the Congress of the five Powers held in London, respecting the affairs of Belgium, as far as England was concerned, since October 1830."

Mr. Hunt seconded the Motion.

Lord Palmerston begged leave to say a few words in reply to the hon. member for Middlesex, as he was the humble representative in that House of the five great Powers, whom the hon. Gentleman had been pleased to attack. First, however, he would make a few remarks with respect to the military establishments of the country, as that subject had served the hon. Gentleman to introduce the other to the House. The hon. Gentleman complained, that he could not see why the military service of this year was to exceed that of the year gone by; and he had observed, that as there were no disturbances in England, and as Ireland was at peace, he was at a loss to understand why an additional body of 10,000 men had been raised. He (Lord Palmerston), however, thought that it was impossible that any one should say that there was nothing in the internal state of England to justify the Government being armed with a power to enforce the execution of the laws and to protect the property and lives of his Majesty's subjects; and as to Ireland, the hon. Gentleman need not go far to obtain an answer to

his observation, for, without stirring from his seat, and without looking far from his own place, he might learn why it was necessary that an adequate military power should be kept up with respect to that country. [*A loud "hear, hear!" from Mr. O'Connell, who was sitting immediately below Mr. Hume.*] All, however, that the Government had done was to complete the peace establishment, and beyond that, they had not added one man to the military force of the country. With respect to the colonial questions broached by the hon. Gentleman, it was unnecessary to go into any argument to prove, that our colonies should be supplied with adequate military garrisons—at all events, they were points which would be much better discussed in the Committee, and the same observation might apply to a great many of the remarks of the hon. Gentleman. With respect to what related more particularly to his own department, he must say, that the course pursued by the hon. Gentleman was one not less inconvenient to the service of the country than unusual in parliamentary proceedings. He apprehended that it was usual for the House of Commons when the Government was in the course of negotiation with other countries not to step between the Government and the termination of those negotiations. He apprehended, that if that House felt sufficient confidence in any Administration to think that it was fit to be trusted with the government of the country, it ought to be content to wait till the negotiations were ended, and not impose on the Government the necessity of offering an imperfect view of transactions. He knew that an example had lately been afforded on the other side of the Channel to keep the hon. Gentleman in countenance; but the great inconvenience which had been occasioned by the Belgium Congress publishing, from day to day, the important State documents that reached that assembly, was so manifest, that the example was one to avoid, and not to imitate. If he did not follow the hon. Gentleman through all the details into which he had entered, he trusted that the House would believe that it was not because, when the proper time came, the Government was not ready to go into the minutest and most particular discussion; but because it felt that the greatest public inconvenience would arise from these premature discussions. At the same time, he could not

allow the remarks of the hon. Gentleman to pass entirely without notice; and he would therefore give a general answer to the charges that had been brought. The hon. Gentleman said, that the Government had been following the doctrines and principles of the Holy Alliance; and that it had been departing from its pledges of non-interference. He totally denied that this was the case; and he took upon himself to say, that there was nothing in the course of the proceedings which could, in the slightest degree, support such an allegation. To state the matter as shortly as he could, he would say, that in the first place, the hon. Gentleman seemed to have been labouring under a strange confusion in his mind, and to have imagined that the internal arrangements, and the external boundary of a State were the same thing. If there were any two things distinct from each other in the world, surely these were they. Did the hon. Gentleman forget that Belgium had never, in the history of modern times, been an independent State? First, it had been a Spanish, then an Austrian, and a French possession, after the French conquered it at the beginning of the war. How, then, could the Belgians set up a right of *postliminium* to portions of the Dutch territory, seeing that this was a right which could only belong to independent states. The doctrine that every state had a right to fix its own limits was set up by Buonaparte, and upon it there was a slight difference between him and the rest of Europe; he contended that the limits of France ought to be the confines between Europe and Asia. The rest of the world thought it more convenient that those limits should be somewhat nearer Paris. The majority was against him, and he lost Belgium in the quarrel. When he was conquered by the Allied Powers, the natural course, perhaps, would have been, for Austria to have entered again into possession of Belgium. But she gave up her claim, and the Powers of Europe disposed of Belgium, by uniting it to Holland, not for any purpose of advantage to Holland—not as an act of grace and favour to the King of the Netherlands, but for the purpose of making the appropriation of Belgium contribute to the peace and security of Europe. Events having occurred by which that union had become no longer possible, he said that the Powers who had formerly been parties to the treaties which regulated the disposition of Belgium

had a right to concern themselves with the separation of that country, not with the question whether Belgium, having freed itself by its own arms, should again be subjected to the yoke of Holland, for no such interference had taken place—not with its form of government, or internal constitution, for no such interference had been thought of; but he said, that the other Powers of Europe, and England among them, had a right to look to those circumstances in which their own interests were concerned, as well as those of Belgium itself. They had a right to say to Belgium, “You, never having been an independent State, have no right to despoil Holland of its ancient and historical boundaries. Holland is a State whose independence concerns the security of the other countries of Europe: you are but a Power of yesterday, and have no right to convert yourselves into aggressors, and to claim as yours that which belongs of right to another.” He said, then, that the Powers of Europe, and England among them, were bound to see that the ancient territories of Holland were not encroached upon. The Duchy of Luxemburg belonged to the German Confederation; and the Confederation had a right to say to the Belgians, that they should not meddle with Luxemburg, because there were others who had a better right to it than they. There was nothing in the principle of non-interference, fairly and reasonably laid down, which prescribed to a State the absence of all interference in what passed in a neighbouring country, when that which was passing concerned the interests of the other party: and if Belgium chose a Sovereign who might become dangerous to the neighbouring States, those States had a right to say “Such a person to us will be dangerous, and such a person we refuse to recognise.” He said, therefore, that the Powers of Europe had a right to say to France, “You cannot consistently, with your relations with other Powers, accede to the appointment of the Duc de Nemours as King, and thereby virtually attach Belgium to yourself.” On the one hand they had a right to say this to France; and on the other, they had a right to say to Belgium, that if the Duc de Leuchtenberg was elected, because he, from the circumstances of his family, would make Belgium the centre of political intrigues, him they would not acknowledge. He said, that this was not interfering with Belgium in any

sense inconsistent with sound and rational principles. The hon. Gentleman had then gone on to remark on the debt of that country, and to dwell upon the Protocols that were before the public, but which he (Lord Palmerston) was not going to produce, though, when the proper time came, the hon. Gentleman would be welcome to have copies of the papers. He begged, on the subject of the debt, to remind the House of this—that when Holland and Belgium were united, a treaty was signed, by which the separate debts of the two countries were united, and made common and joint; and he should think, if it should be stated that on the separation of the two countries each party should resume its own debt, and if the debt contracted by those parties since their union were to be divided between them in a fair portion, it did not strike him as inconsistent with the justice of the case or the principles of independence. In conclusion, he begged to observe, that at the proper time he was quite willing to accede to the Motion of the hon. Gentleman for the Papers, and to defend the conduct of Government, such as it would appear on the face of these Protocols to have been; but he felt, that to agree to the proposition when the negotiations were incomplete, would be prejudicial to the public interest; and he, therefore, should oppose the Amendment.

Mr. O'Connell said, that it had been his intention to have asked for some explanations respecting so humble an individual as himself; but he had been prevented by the Evesham business, and he would therefore take an opportunity of asking that explanation on the next night that the House sat. With respect to the business before the House, what had fallen from the noble Lord was no denial of the interference of this country—or, at least, it was a denial only in words. It would be most unjust if this country had interfered, and the speech of the noble Lord was itself a most unjustifiable interference. He had thought proper to speak of Belgium as a Government of yesterday. Yes, it was a Government of yesterday, because it was only yesterday that it had thrown off the tyranny of oppression with its blood, and broken the Union with Holland, which was the most unjustifiable that had ever been accomplished. But there were more Governments of yesterday besides that of Belgium! And the noble Lord should

whisper such a remark not loud, for Talleyrand might hear, and what would the yesterday Government of Louis Phillip say to it? But if they were to talk of yesterday Governments, he wanted to know what the Government of the King of the Netherlands itself was? The noble Lord had contended, that an interference with respect to boundaries was not an internal interference; but suppose the five Powers of Europe were to prescribe such a boundary, that Brussels was cut off from Belgium, he should like to know whether that was not an internal interference? A man might, on the same principle, go to a farmer, and say, "I am not going to meddle with your internal affairs, for I am only going to settle what the extent of your fields shall be! I am not going to meddle with your internal affairs, for I am only going to examine what money you have got in your purse! I am not going to meddle with your internal affairs, for I am only going to tell you whom you may marry and whom you may not." And after this he might say, that the whole had been done on the strictest principles of non-interference: but he would venture to pronounce, that to say so was not consistent either with common sense or common honesty. He would also pronounce, that Belgium would not suffer such an interference; and, therefore, this country, as one of the five great Powers, must retreat or go to war; and he would ask (without saying anything of Ireland) whether England was in a condition to undertake a war?

Lord Althorp said, that he would put a simple question to his hon. friend, the member for Middlesex. His hon. friend had endeavoured to prove, that the Government had departed from its pledge of non-interference; but his hon. friend himself approved of this country mediating for peace between the two Governments. But how could we possibly do that if we had nothing to do with the limits of those Governments? If it was consistent with the doctrine of non-interference to insist upon peace, it was absolutely necessary that in offering that mediation we should give some opinion as to the limits between them. The object of the Government had been to do everything in its power to preserve the peace of Europe (because, if the peace of Europe were broken the peace of this country must be hazarded), and it had not done anything that could be legitimately considered as breaking its pledge of non-inter-

ference. Another point for consideration was, that Sovereigns might be proposed by Belgium whose appointment would inevitably be the cause of war in Europe. Any country in such a case had a right, by the law of nations and of justice, to interfere so far as to prevent any Sovereign being elected, or at least to say, that they would not acknowledge any one, whose election would necessarily produce war with any other Power. It was on this principle only that England had agreed with the other four Powers to object to the two Princes who had been named. The Government, however, had not only acknowledged the independence of Belgium, but had guaranteed its neutrality—that was to say, all the five Powers had consented to consider it in future as a neutral power; and this was an object of the greatest possible value to Europe at large. He again begged to observe, that the only interference the Government had undertaken was, to preserve the peace of Europe; and it had not interfered further than that necessity had required.

Sir R. Peel was bound to give his decided opposition to the motion of the hon. member for Middlesex; for he was not prepared to compel the Government to produce copies of all the protocols when the noble Lord, on his responsibility, stated, that it would be prejudicial to the public service that those documents, pending the negotiations, should be produced; he was content with the assurance, that the time would come when full information would be afforded; and he therefore could not consent to postpone the vote for the Army Estimates till those papers had been laid on the Table of the House. In the present state of this country and its foreign relations he could not offer any opposition to the amount of the force proposed; for he could not view the present condition of England, and the threatening aspect of her foreign affairs, without admitting that the Government was justified in increasing the military force of the country to the full extent of the peace establishment. So convinced was he that it was impolitic to provoke any annoying discussion in that House, with reference to the other countries of Europe, that he, though only an humble Member of it, should abstain from stating the reasons that induced him to support the military establishment that was proposed; nor would he imitate the example which had been set in the popu-

lar Assembly of a powerful and liberal neighbouring State, and obstruct the great object of maintaining peace by an undignified and useless discussion. He wished, however, that it might not be inferred from his silence out of office, by the House, that he was indifferent to the permanent interest and honour of the country. He had such confidence in the progress of knowledge—such confidence in the force of justice throughout the world, that he was persuaded, that whatever country provoked an unjust war, against the wishes of Europe, bringing on it that most terrible of all inflictions the human race could suffer—a war without a just cause; he had such confidence in the force of public opinion, and the sense of justice, that, let the financial resources of that country be what they might—let her military means be ever so great—the might and valour of her soldiers ever so noble—he was sure that she must ultimately fall a victim to the force of public opinion, which would heal all internal dissensions, and, rallying the whole of Europe around one object, vindicate the great cause of peace and justice. He said this with perfect confidence—if France, when she vindicated her own rights, when she revolted against the unjust proceedings of her late monarch—if France had then been assailed by the Powers of Europe in a confederacy to prevent France from choosing her own Government, he was confident that the Powers of Europe, would have been unable to control her actions, he was confident that their unjust cause must ultimately have failed, and that she would successfully have vindicated her right to choose her Government against the combined Powers of Europe. Their efforts would have failed against France, and would have recoiled against themselves in the madness of such a struggle. France had a right to choose her own Government in the circumstances in which she was placed. The unjust and oppressive Ordinances issued by the late government, deserved and excited a spirit of hostility which made them recoil on the heads of those who issued them. But he was equally confident, that if unjust ambition should tempt France by force to enlarge the limits of her empire—if she should be urged on by the recollections of the victories of Napoleon—if a military faction should prevail over the good sense of the country, he was equally confident, then, that Europe, united in a just cause,

would resist France successfully, and that a different result would teach France that it was not for her interest to provoke war. He would say no more on that subject; but he earnestly hoped that the confidence of his noble friend (Lord Palmerston) in the assurances of France might be justified, and that she was not preparing her present great armaments for any purpose of aggression. At the same time he must own, that he could not read the speeches of her Ministers, and he could not know of her immense military preparations, without feeling alarm. His noble friend knew of all these preparations, and he hoped his noble friend might be justified in the confidence he placed in the assurances he received from France. He relied on the intentions of Ministers, and was prepared to give them his support—his ardent and efficient support—in their proposition for the Army Estimates. He was sorry that his noble friend had entered, in the debate, into so much detail on the subject of Belgium. It would have been better to have postponed that discussion, and he did not think the speech of the hon. member (Mr. Hume) called on him to enter so far into the subject. As his noble friend had entered into it, he must say, that he could then hardly believe that he was turned out of office for his principles of non-interference. He believed, and he had reason to believe, that there was no variance between his opinion and the opinions of his noble friend. He thought it highly probable that his Majesty's Government—taking no notice of that subordinate subject, the Civil List, on which there did not seem to be much difference of opinion, and not referring to that question of Reform, on which there was a great difference of opinion between him and it—on the whole, he thought his Majesty's present Ministers would not act very differently from the last Ministers. It was not, however, on the ground of Reform that the late Ministers were turned out of office, but on the ground of the Civil List, and on the ground of an unwillingness to make retrenchment. That, he repeated, was at least the public view; but after hearing his noble friend's statement, to say that these two grounds were the causes why the late Ministers lost office was one of the most extraordinary assertions that was ever made. In that part of his noble friend's speech in which he spoke of the Army Establishment—of the necessity of

keeping up a large force—so much did it resemble his noble friend's former speeches, that it reminded him of those happy times when his noble friend was Secretary of War, and he was sitting beside him, applauding every sentiment he uttered, and he could not believe now that he was politically opposed to his noble friend, however he might be personally. He had heard that his Majesty's present Government was opposed principally to the late Government on the ground of retrenchment and non-intervention. He did them the justice, when he heard that declaration, to doubt their intention of carrying it into effect; he had confidence that their conduct and their declarations would not agree; that in what regarded the interest of the country he knew them to be honourable men, and he knew that they were prepared to throw overboard their declarations, whenever the time came that the honour of the country was to be vindicated or its dignity sustained. He knew that they would not allow their declarations to stand between them and the honour of their country. He knew that they would imitate their predecessors, for men, if in office, seemed really to be like the Indians—they inherited all the qualities of those enemies they killed. The present Ministers had killed their opponents, and had immediately entered into possession of all their doctrines. They found it necessary to support all the Monarchical institutions of the country; they found it necessary to preserve the honour and interest of the country, and he knew them to be too honourable men to suppose that they would sacrifice to their prejudices what the interest of the country required, and that they would in office pay much regard to their own flash speeches out of office. That was, in truth, their conduct, and whatever might have been their expressions, he was confident, however much they might desire to make retrenchment, that when they came to look into the details, they would make no retrenchment but what the interest of England demanded. That was also the principle of the late Government. He did not object to the Army Estimates, and he had always been confident, that when the Ministers came to apply themselves to the details, they would be of the same opinion as the late Ministers. He did not blame them for their professions and speeches out of office, and though he did not believe that

they intended to produce such an effect—that they did not intend to promote dissatisfaction—though he was convinced such had not been their intention—yet he was bound to say, such had been, he was afraid, the effect of their speeches; and out of office, they had produced that dissatisfaction for which, when in office, they found that there was no reasonable grounds. He had always, he said, been confident, whatever might have been the speeches of the right hon. Gentlemen opposite, that they would not carry them into effect. He hoped the country would see from the conduct of the noble Lord, the Chancellor of the Exchequer, in whose personal honour and integrity he was disposed to place the greatest confidence—he hoped, when the people saw that the noble Lord, who was an admirer of popular rights, and in the exercise of his controlling power, as Chancellor of the Exchequer, did not propose any reduction in the Estimates, submitted to the House last year, and that he even found it necessary to make an addition—he hoped, when the country saw this, that it would not view the general conduct of that House with dissatisfaction. The hon. member for Middlesex, indeed, said, that the Estimates had been reduced last year 189,000*l.*, and that they ought to be reduced this year the same sum; but was there ever any thing so absurd? Was there no notice to be taken of the circumstances of the country? Was the House to be bound down by an iron formula of one gradual and continued reduction, to which the estimates must always conform? His Majesty's Government must judge of these circumstances, and, if necessary, make no reduction. As to the reduction of 200 officers, of which the noble Lord had boasted, he admitted that every officer ought to be reduced which was not necessary. He admitted that every officer employed in collecting the revenues, whose services were not wanted, ought to be reduced, but not one ought to be reduced whose services were necessary. With respect to the declaration of the Government, that it would govern without patronage, that was all very well; but was not an addition to the army an increase of patronage? It happened, certainly, that by adding to the number of men, the number of officers was also increased, and the Ministers could not increase the army without adding to their patronage. As for retrenchment, he was

ready to admit that it was necessary to be adopted to the greatest possible extent, and he trusted to posterity—a very early posterity—however, to do justice on that point between the late and the present Administration. He would allow the hon. Baronet to chaunt the hymn of victory again over the reduction of the Lieutenant-general of the Ordnance, which the former Administration had not effected, but the country expected from the promises of retrenchment a much greater reduction of the national burthens. After attending to the matter, he doubted if it were practicable for retrenchment to be carried much further than it was carried by the late Government. As to the doctrines of non-interference, he must say, that since he had been in public life, he had never heard the doctrine of the right of interference defended on such grounds, or carried so far, as it had been carried by the noble Lord to-night. Lord Castlereagh had never placed it on such high grounds. The King's Speech had been attacked for what it contained about interference; but his noble friend (Lord Palmerston) had vindicated that Speech in the able speech he had delivered. His noble friend said, that what gave our Government a right to interfere with respect to Belgium was this:—That Belgium had never in modern times been an independent State; that first she had been dependent on Austria, and afterwards on France; and that she had been rescued from France in 1815 by the Allies; and that Austria having waived her claims, the Allies had a right to interfere and settle her destiny. If that were the ground of the proceedings of the Government, he was not disposed to adopt them; and grounding the right to interfere on the dependence of Belgium, what would his noble friend say of the South American Provinces? He would not say surely, that as they had not been independent, we had a right to interfere with them. His noble friend said, the Belgians were legislators of yesterday; but he had never before heard that the age of nations made any difference in the right of non-interference. The true ground of one nation interfering with another was stated by his noble friend, when he said, that it was possible for the situation of one State to be pregnant with danger to other Powers, and they had then a right to interfere to protect themselves. That was the true principle; but that, because a

nation or people first became independent yesterday, another had a right to interfere with it, he must positively deny. He admitted the propriety of mediating to share the debt equally between Belgium and Holland; but suppose that Belgium should refuse to take the share allotted to her, would his noble friend say, that we ought to go to war to make Belgium take her share? It was quite proper to mediate and try to settle the differences between Belgium and Holland, though to interfere in the internal concerns of States by mediation, did not imply war, but only the compulsion of argument. His noble friend said, that we had a right to compel Belgium to relinquish Luxemburg under the treaties of 1815; but that was what the late Ministers said, and what was said by his Majesty in his Speech. His noble friend admitted, that, by the Treaty of 1815, Luxemburg belonged to the Germanic Confederation. But if we had a right to separate Luxemburg from Belgium, what became of the right espoused by his noble friend of a people to choose their own government? He must say, that was not a correct assumption. His noble friend was right in refusing the assent of England to place the Duke of Nemours on the Throne of Belgium. Common sense said, it was not right to suffer France to encircle our shores with her power, under the influence of civil expressions, for, in a time of war, those countries might be to us a great means of annoyance. His noble friend said, and he agreed with him, that the probability of such a danger gave one State a right to interfere in the internal concerns of another. If his noble friend's declaration were right, that was a full justification for the Speech delivered from the Throne at the opening of the Session; and, in making that declaration, as well as in his conduct, he was persuaded that his noble friend was only guided by a sense of duty, and only looked to the permanent interest of the country. He would repeat his declaration, that he should feel ashamed of himself if he permitted any personal feelings—any jealousy—or any political hostility to interfere with the cordial support which he felt it necessary, on all proper occasions, to give to his Majesty's Government. It was the more agreeable to him to be enabled to do so, because from the course the present Ministers were pursuing, though they had

dispossessed him of place on the ground of not following out retrenchment; on that point, and as respected our foreign policy, there was no difference between him and them, and he had nothing to complain of in their conduct. He hoped, on that more serious subject, Parliamentary Reform, when they came to take that up—he hoped that they would have the like regard to the interest and honour of the country, and act on the same faith and honourable principles that they had acted on in regard to these two subjects, and he hoped that they would not submit,—he meant to use the word submit—he hoped they would not submit, induced by the taunts of the hon. Member (Mr. Hume) and those acting with him, in looking at the details of that important question—he hoped, he said, that they would not be induced by the taunts of the hon. Gentleman to propose any measure for the consideration of the House pregnant with immediate or contingent prejudice to the institutions of this great country, or dangerous to the public welfare—over which it was their bounden duty to watch.

Lord Palmerston explained, that his argument was, that the government of Belgium had no right to deprive the government of Holland of any part of its territory.

Sir James Graham could assure the House, that he meant to delay it but a short time; but he should be unworthy of the situation he held, and he should not act fairly towards his colleagues, if he did not trouble the House with a few observations, in reply to the right hon. Baronet. He should begin with that topic with which the right hon. Baronet concluded his speech. The topic of Parliamentary Reform, which was second in importance to none, was the real subject of the difference between that right hon. Gentleman and his successors. It would be the duty of his Majesty's Ministers to propose measures of Parliamentary Reform; and, as the right hon. Baronet had recommended them, in proposing a measure to improve the Representation of the people, not to forget what was due to the Monarchy and the institutions of the country. He begged leave to affirm, as the Ministers had already assured the House and the country, that the limit to their proceedings in respect to Parliamentary Reform—the precise limit to which they meant to direct their efforts, was to give

security to the institutions of the country, and strength to the Monarchy. The right hon. Baronet had told them, with somewhat of irony, that their present conduct was inconsistent with their former pledges on the two subjects of non-interference; but in saying that, the right hon. Baronet had done justice to their motives, and had given them credit for acting honestly, and with a view to that great and proper object, the good of the country; and the Ministers presumed that these admissions might lead him to believe, that in what respected Parliamentary Reform, they would act on the same motives, and with the view to the same object—the public good, which was the only one they had at heart. With respect to retrenchment, the right hon. Gentleman said, that he (Sir James Graham) might chaunt the hymn of victory over the abolition of the office of Lieutenant-general of the Ordnance, which the last Government seemed to think was not material. If that were the proper occasion, he could mention a great number of offices, and offices that constituted in themselves a great patronage; if that were the occasion, he could mention several offices, connected with that department with which he was more immediately concerned, which had been abolished; but that was not the time to enter upon such explanations. The right hon. Baronet talked of what the late Government could do; he could state what the present Ministers had done. He could appeal to the House and the country, as far as related to patronage, whether the present Ministers had not faithfully redeemed their pledges. The right hon. Baronet said, the establishments had not been effectually reduced according to the promise. He admitted this. Further reductions were consistent with their sense of duty. The Ministers ought to have credit for the reductions they had already made in establishments; but if they had found it their duty, in one respect, to increase, they had added to the efficacy of the force without increasing the expense. How was that? By cutting off what was superfluous, and making that which was essential efficient; by throwing overboard patronage. He asserted, that they had sacrificed great patronage, and he could say that of the department to which he belonged. Without adding to the expense, that great branch of the public service had been materially increased. The Ministers did not take credit

to themselves for all these improvements, for they had been enabled to make some of them by the state of efficiency in which they found the War-office. He gave the right hon. Gentleman, the late Secretary of War (Sir Henry Hardinge) the greatest credit for his exertions. He considered that right hon. Gentleman one of the most efficient, regular, judicious, and meritorious public servants the country had ever possessed. The arrangements at the Horse Guards were the cause that the present Ministers had been able to raise 8,000 men additional, without any increase of expense. But the question was asked, whence arises the necessity for the augmentation? In return he would ask, had ever a Government succeeded to office under circumstances more full, more overwhelmed, he might say, with difficulty? He could assure the right hon. Baronet, that he meant to cast no odium on him; but he must be allowed to remind him of the state of the Home Department, over which the right hon. Baronet had presided, and he must know, that when he left office the Metropolis was in such a state that his Majesty's late Ministers declared, that it was not proper for his Majesty to visit the City of London. He wished the House to recollect, that without employing any military force, the Ministers had succeeded in vindicating the law—that without shedding even a drop of blood by the hand of a soldier, except that of the man whose case was alluded to the other evening by his hon. friend the member for Wilts, when he described the great forbearance of the Yeomanry—except that one life, no blood had been spilled by the military, and yet the insurrectionary spirit that prevailed in the country had been subdued. Was there nothing, too, in the state of Ireland to justify some caution, when, in that country, with loud, and he might say shameless, assertions, Great Britain had been threatened that the Union should be repealed by physical force? Yes, he said threatened, for the use of physical force was threatened. What had been done? The Government had vindicated the supremacy of the law, and by the Courts of law. Such threats had been met by the civil power, and when made, had only induced the Government to exert the powers the Constitution had placed in their hands. He adopted to the fullest extent every word of what his noble friend (Lord Althorp) had said on a former even-

ing; and though he considered civil war as the greatest of all possible evils, short only of dismembering the empire, he, for one, would fight for Ireland as he would fight for Kent—*Toto certandum est corpore regni*. He was not blind to the perils of such a contest; but, as far as it depended on him, the country should never cease to resist the separation, and he was sure that the whole people of England, who had never been conquered, would not allow themselves to be overcome by the people of Ireland. He corrected himself, he did not say that the people of the two countries were opposed; it was not the people of Ireland who threatened, it was only some demagogues. [O'Gorman Mahon called out "Name, Name!"] It was only one or two demagogues, who knew not in what the interest of the country consisted, who sought for the Repeal of the Union. There never was a country which had derived more benefit from another than Ireland had from England since the Union. That country derived wealth from this, and found here the market for her produce. It was not Irish people, and it was not the Irish patriots—they never would; it was only demagogues who desired the separation [O'Gorman Mahon called again, "Name, Name!"] With reference to Belgium, he would only state, that his noble friend did not say that being legislators of yesterday was the cause of our interference, but, being new, it was necessary to prevent them from interfering with other States. Luxemburg was expressly given to Holland by the Treaty of 1815, and it had long been connected with the House of Nassau. Belgium could not be allowed to interfere with it, unless she were to be allowed to commit an aggression on another power; an aggression, too, which as it was likely to alter the balance of power, could not be allowed. It was the duty of the Government to interfere. The right hon. Baronet said, that there was no difference between the doctrine of the Ministers and that of the King's Speech; but, if he recollected right, that Speech spoke of the enlightened policy of the King of Holland, and expressed disapprobation of his revolted subjects. It expressly called the policy of the king enlightened. A most ambiguous reference was made in that Speech to the Treaties of 1815, by which Holland had been united to Belgium, as if it were doubtful whether his Majesty's Government did not feel itself

bound to maintain the union of Holland with Belgium by force; but that was directly contrary to the opinion of his Majesty's present Ministers. The right hon. Gentleman admitted the propriety of the reason which the Government gave for not allowing the Duke of Nemours to be King of Belgium. The Government was opposed to war, and it was solemnly pledged to avoid that greatest of all possible calamities, by all the exertions in its power, that were consistent with the honour and safety of the country. He would appeal to the public and the House if it had not successfully preserved peace, and he hoped that the honour of England remained untarnished. The blockade of the Scheldt had been raised, and not a blow struck. The siege of Maestricht had been raised, and not a drop of blood had been spilled. Great difficulties had been overcome by negotiations. His noble friend had stated, that he had received assurances from all the foreign governments of Europe of their peaceful dispositions, and there was no reason to doubt the fidelity of those assurances. Ministers could not shut their eyes, however, to the fact, that all Europe was arming on a large scale. Consistently with their declaration they would do what they could to preserve peace, and it was their policy to preserve peace by showing that, should the honour of the country be attacked, or the security of the nation endangered, they were prepared to repel the aggression. He was a humble individual, and he was aware, that it was very easy to strip him of any popularity he might possess, but while his conscience told him that he had not been regardless of the situation and condition of the country, he should be contented with the silent approbation of his own heart, convinced as he was, whatever might be the result, and he had no doubt it would be one of triumph and exultation to his country, that according to his duty, he had zealously endeavoured to preserve peace, and strenuously exerted himself not to leave the country defenceless.

Sir J. Yorke, having observed upon the universality of the present debate, although the ostensible subject was the Army Estimates alone, referred to the ultra-economical recommendations of the hon. member for Middlesex, who certainly appeared to labour under the effects of what was vulgarly called "a bee in the bonnet." Most assuredly, if he continued to recom-

mend a diminution of the force of the country in times like the present, he should feel it necessary to move for a Committee *de lunatico inquirendo*. Absorbed, as he must have been, by that interesting species of literature comprised under the designation of Parliamentary Returns, it was not strange that he should not have found time to look at the public newspapers for the last six-months, which would otherwise have convinced him of the necessity of putting the kingdom in a posture of defence. The hon. Gentleman seemed to think that a Government ought always to be able to abduct us from all scrapes, past, present, and to come, without even the intervention of political negotiation with other States; but he should have considered, that the kind of intervention heretofore employed, to which he so much objected, had been entirely of an amicable nature. To the unfortunate circumstances which had occurred during the memorable days of July, he feared they might attribute all the troubles throughout Europe, which at present threw so much business on the hands of diplomatists; and the question now was, not whether we were to abstain from interference with others, but whether others were not likely to interfere with us. Had not the case of Holland and Belgium been instanced as similar to that of England and Ireland? and surely, when doctrines of this description were afloat, the House ought to weigh well the danger of parsimonious reductions in the military force requisite for the protection of the institutions of the country. He gave Government credit for having been zealous in the work of administering justice between man and man, and cordially congratulated them on their triumph over an hon. Member whom he did not then see in his place; nor did he disapprove of their policy respecting the amount of the army which it appeared they thought it necessary to maintain.

O'Gorman Mahon said, he would not have troubled the House had it not been for the very distinct allusion of the right hon. the First Lord of the Admiralty to the country from which he (*O'Gorman Mahon*) came. He rose to vindicate himself and his country from the aspersions into which the right hon. Baronet had allowed himself to be betrayed. He used the epithet with regret; but he could not describe what had fallen from the hon.

Baronet on the subject by any other terms than as very unwarrantable and unworthy aspersions. The hon. Baronet turned about, and made these aspersions, instead of answering the just taunts of the right hon. Baronet opposite (Sir R. Peel), who had defended the last Administration from the charges of a want of economical retrenchment, and of adherence to non-interference, by contending, that on neither of those points had the present Administration acted differently. The fact was, that the last Government went out on the question of Reform. They honestly declared that they would oppose it, and by that declaration they fell; and he hoped that every man who made a similar declaration would do the same. For his part, he liked to see, whether in friend or foe, an open manly declaration of principles on which they pledged themselves to stand or fall. That was infinitely preferable—honesty in a manly foe was infinitely preferable to treachery in a malicious friend. Instead, however, of replying to the right hon. Baronet opposite, the right hon. First Lord of the Admiralty turned round as if he had determined to have one cheer from the House. The right hon. Baronet thought to himself, "I'll have a blow at Ireland, and then I'm sure the House will cheer me." [*no, no, no!*] Where did the noes come from? [several hon. Members exclaimed "No!"]. They began on his side of the House—not on the opposite. He thought some of the hon. Members near him might borrow a great deal from the other side: for instance, the First Lord of the Admiralty might learn from the gallant Admiral who had just spoken, that to talk of raising the blockade of the Scheldt, as if he were talking of raising the siege of Maestricht, was not an expression that would be quite intelligible to the country gentlemen. What did the right hon. First Lord of the Admiralty do? Ireland had not been alluded to. She had not formed any part of any attack on the present occasion. But the right hon. Gentleman added to the late declaration of a noble Lord, which savoured so strongly of blood. Was it not a declaration of blood, to say that civil war must be resorted to in order to resist that which the Irish were determined to accomplish by reason? For he denied that the Irish people had ever talked of force. If, however, the right hon. Baronet had any manly and generous spirit, he would stand up and say who the one or two demagogues in Ireland,

or from Ireland, were, to whom he had alluded as urging the people of Ireland to dismember the empire. He denied that the people of Ireland wished for the dismemberment of the empire. But they would never consent to any union by which their independence was not secured. They did not desire dismemberment, but they desired independence. The noble Lord talked of civil war. Was he prepared to enter upon civil war? He (O'Gorman Mahon) recollected well sitting below the bar, when Sir George Murray (he forgot for what place the right hon. Baronet sat) described the Irish soldiers as having mounted the same breach, fought in the same field, and being laid in the same grave, as their English comrades. He called upon that right hon. Baronet to remonstrate against the declaration of the noble Lord, that he was ready to turn upon the same men hostile bayonets. These were the men to be immolated. He trusted, however, that they would not be abandoned to such a fate; and as long as he lived, so help him God they should not. He only spoke for himself, but the independence of his country he would endeavour to maintain. After all the threats, the bloody threats which had been thrown out, he should be the most degraded coward that ever lived, if he did not say to those who threw out those threats, who dared to say that they were ready to deluge the fields of Ireland with blood, [no, no!] Should he hesitate to say to that House what he would say to his countrymen? No! by Him who made him! Let the Union between England and Ireland be completed. Let it be completed by placing Ireland upon the basis upon which she was thirty years ago, with her own Legislature. That would be the only way to effect a real union. Some hon. Gentlemen had talked of rebellion in Ireland. God forbid that there should be a rebellion in that country. The Irish people loved their King, George the 4th—he meant they loved their King, William the 4th. He was not wrong, however, in saying George the 4th; for when the late King visited the shores of Ireland, he found millions of warm and loyal hearts standing round him. The affection which the Irish had borne to George the 4th they had transferred to William the 4th; let the English take care they did not diminish it. He trusted that the Irish would not, as on former occasions, be driven into insurrection. No one could deny, that at the

period of the Union, the Irish had been goaded into insurrection, for the purpose of enabling the Government to carry that measure. Let not the present English Government try similar means at the present moment to prevent the Repeal of that Union. If they did—if they destroyed thousands of Irishmen—would England be better for such bloody laurels? He repeated, that he had not any intention of intruding on the House. His object was, to know if he was one of the demagogues alluded to by the First Lord of the Admiralty. He should not have supposed such a thing possible, were it not that there were only two Irishmen in the House, the member for Waterford and himself, who were favourable to a Repeal of the Union. The hon. member for Waterford was at present absent from the House. When he heard the hon. Baronet say, that there were only one or two demagogues who were advocates for the Repeal of the Union, and who were urging the people of Ireland to dismember the empire, he had a right to ask the right hon. Baronet if he was one of the individuals alluded to. If he was, he trusted that the right hon. Baronet would have the manliness to stand up and say so. If not, it was equally due to the right hon. Baronet's character that he should stand up and disclaim the imputation.

Mr. *G. Dawson* regretted that the hon. Gentleman should have pursued a course which was certainly disorderly. He rose not to imitate that course, but for the purpose of shewing the disposition of the late Ministers to retrench as far as appeared to them to be consistent with the public good. It appeared by a Return which had been laid on the Table last Session, that no fewer than 4,050 offices had been reduced since 1821; the salaries of which amounted to no less a sum than 700,974*l.* Fifty-six of those offices had salaries attached to them of from 1,000*l.*, to 3,000*l.* pounds each, and sixty-eight of those offices had salaries attached to them of from 500*l.* to 1,000*l.* each; making 124 offices reduced, with salaries attached to them of 500*l.* each. He stated this, to show that the late Government deserved at least as much credit as the present for a disposition to retrench.

Mr. *R. Grant* said, he would not say a word or a syllable that would tend to increase the strong feeling that had been manifested by the hon. member for Clare.

But he must vindicate his Majesty's Government from the charge of contemplating with delight the contest of blood which would take place if those who were endeavouring to dismember the empire were to be successful in their efforts. He, for one, and he most sincerely believed he might say the same of every member of his Majesty's Government, could not look forward to such a prospect without horror and agitation of mind. He would ask the hon. member for Clare to be pleased for a moment to reverse the case. Let it be supposed, that the Irish people had reaped from the Union all the benefits which they expected from it. Let it be supposed, that they had participated in all the glories and prosperity of England; and that, in that event, the people of England had become jealous of their equality of advantage, and had called upon their Representatives, and upon the other House of Parliament, to disunite the two kingdoms, and to drive the Irish back to their original condition. Did the hon. member for Clare doubt, that if, under such circumstances, the Irish people, with their well-known spirit, chose to go to war to resist that disunion, they would almost be justifiable? Nay, would not the hon. Gentleman himself, with his ardent and patriotic feelings, be disposed to take a part in their hostilities? If that was an improbable supposition, were the English absurd, when they saw the Irish persevere in their endeavours to destroy a fundamental law, to unseal that union which was intended to last to eternity; and if they foresaw, not with complacency, but with horror, the scenes of blood to which such endeavours, if so persevered in, must lead; were they absurd in exploring the advocates of the Union to be more guarded, to be less warm in their language, lest they should produce, however unintentionally, effects so deplorable? He would proceed to make a remark or two on what had fallen from the right hon. Gentleman who had just spoken. That right hon. Gentleman had, very properly, claimed for the last Government the credit which was due to it for the reductions which it had made; but he had associated with that claim something like an insidious view of the reductions made by his Majesty's present Government. He would not enter into the right hon. Gentleman's detail of figures. He was not prepared to do so; nor, indeed,

had he any suspicion of their accuracy. But was it possible for that right hon. Gentleman not to see, that when any member of the late Government claimed merit to that Government for having carried reduction to the utmost possible extent—that when he said, that the late Government had reaped every thing, he effectually established the claim of the present Government to the merit of having, in that reaped field, gleaned so large an additional crop? He could not help also adverting to the speech of the right hon. Baronet opposite. Sentiments more accordant with justice than those with which that right hon. Gentleman had commenced his speech he had never heard. But, although in the early part of his speech the right hon. Baronet had been so delicate that he would not even mention the name of Belgium, but talked of a certain country, and of certain measures, in the latter part of the same speech he deliberately went into the whole question of non-interference, to prove that his Majesty's present Government had been guilty of that very act of interference which they disclaimed. The right hon. Baronet had pronounced an eulogium on the present Government; but he had wound up that eulogium by saying, "I do not see that you are so much better than ourselves." The right hon. Gentleman's topics of praise had much the same effect as the hon. member for Middlesex's topics of blame:

"In equal paths our guilt and glory run."

In speaking of retrenchment, the hon. member for Middlesex saw many thousands of pounds in the estimates of the present Government which he had not seen in the estimates of the late Government. The right hon. Baronet said, he founded on that his support: but he had hardly said that, when he said that he had gone through the estimates item by item, and did not discover any reduction. The hon. member for Middlesex alleged that the people of England would not be satisfied with the reduction of offices which the present Government had effected. The right hon. Baronet gave credit to the present Government for the reduction, but then spoke of them as trifles. Trifles as they were, however, night after night had been spent, in the last and preceding Sessions, in vain attempts to obtain them. One word on the question of Parliamentary Reform. The

hon. member for Middlesex had said, that the present Ministers had forfeited their pledge of economy; that they had forfeited their pledge of non-interference; and, therefore, that they could not expect the confidence of the people of England with respect to their pledge of Reform; although, he (the hon. member for Middlesex) believed that they would redeem it. Now, if his Majesty's Government redeemed their pledge of Reform, that would not extinguish the other charges against them; because, whatever they had hitherto done in the way of retrenchment, was done by the agency of an unreformed Parliament. But if Government redeemed their pledge of Reform, it would put a stop to any alleged misconduct—it would terminate the career in which they had hitherto been supported. Then as to the question of non-interference; not being a Cabinet Minister, he did not pretend to enter into the details, or to be acquainted with the arcana of that question. It appeared to him, that the whole confusion which existed in the argument on the subject had been produced by forgetting this—that we were mediators between Belgium and Holland. As mediators, we must resolve the questions submitted to us by both parties, and the question of the boundary-line must be first determined. He was persuaded that the country at large would judge of the present Government more candidly than by estimating the whole of their probable proceedings by what had been done in the exceedingly short time in which they had been in Office. In conclusion, he called upon the House to give the present Government fair play. It was impossible for Ministers, during the short period which they had been in Office, to have completed any part of the circuit of improvement which it was their determination to run. Let the House wait a little longer before it came to a decision on their merits. It was inconsistent for Gentlemen to announce in one breath their conviction of the difficult task which Ministers had to perform in the present circumstances of the country, and then to suppose in the next that they could set all that was wrong to rights by one single and simultaneous effort.

Sir R. Peel said, that from the strange misrepresentations which the hon. and learned Gentleman had just made of his speech, he was almost tempted to suppose

that the hon. and learned Gentleman was not in the House when he delivered it. What he had said was this,—that he could not state all the reasons which he had for supporting an increased military force for the present year, for he was not desirous of entering upon topics which might excite irritation in popular assemblies. He spoke cautiously and guardedly on the point, for reasons which he was sure the House would understand without his explaining them further. The hon. and learned Gentleman represented him (Sir R. Peel) to have said, that he was proud to give his active support to the Government. He trusted that he should be ready to support his Majesty's Government on all proper occasions. What he said was this,—that if an appeal should be made by the Government to that House, for increased resources, to ensure the preservation of the permanent interests and honour of the country, he should forget all causes of alienation, and should assist the executive Government, with all his power, in vindicating the honour and safety of the country.

Sir George Murray said, that whoever had not been in the House when his right hon. friend had spoken, and had only heard the speech of the right hon. member for Norwich, would suppose that his right hon. friend had thrown blame on his Majesty's present Government. The members of the present Government, when out of office, taunted the late Administration with being too slow in their measures of retrenchment, and yet they were not themselves proceeding more rapidly. They had also declaimed against non-interference, yet they adhered to the same system. Similar objections, in his mind, applied to the conduct of the Government respecting Reform. They had certainly held out greater expectations of Reform than they now seemed disposed to realize. In reply to what had fallen from the hon. member for Clare, he declared, there was not a man in the House who did not entertain friendly feelings towards Ireland. He himself could truly say, that he felt the most sincere and warm attachment to Ireland and the Irish people. He much regretted that there had been any disposition exhibited to represent, or even to suppose, that the interests of Great Britain and Ireland could be different. The interests of the two people he looked upon as inseparable, and he considered that it was impossible to promote the interests of

the one country without promoting those of the other. It was, likewise, a source of great regret to him that the terms "civil war" had been made use of, and his regret was much increased when he heard the right hon. the First Lord of the Admiralty make a distinction between the people of Great Britain and the people of Ireland. This was a distinction which he never could admit in his own breast, or never would acknowledge in that Assembly. He regarded the inhabitants of the two countries as one people, and never could allow that the House was bound to attend more to the interests of one than of the other body of his Majesty's subjects. When hon. Members talked of a dissolution of the Union, he would admit that they were right if they found, that measures for the improvement of Ireland were not brought forward in that House. At least, under such circumstances, men would have some excuse for talking of the Repeal of the Union; but when always an anxious desire was displayed to listen to every argument, and attend to every suggestion, for the improvement of Ireland, there were no grounds for the endeavour to effect the repeal of the Legislative Union between the two countries, which seemed to imply a separation of interests, which never ought—and, he trusted, never would be admitted.

Sir J. Graham, in explanation, denied that he had made any assertion to the effect that a distinction was to be made between the people of the two countries, or that their interests were to be considered separate. What he had said was, that agitators (he would not repeat the offensive word demagogues) were anxious to produce this distinction and this separation.

Mr. North said, he rose for the purpose of answering an argument which was fraught with danger to the sister kingdom. The right hon. Gentleman (Mr. R. Grant) had argued, that if all the benefits and advantages which the people of Ireland expected from the Union with England had been realized; and, if the people of England, finding that they were not deriving the benefits and advantages they had anticipated from this Union, were to endeavour to dissolve the Union, the people of Ireland would be justified in resorting to civil war. Now, this argument was the most unfortunate and dangerous which could be well advanced; for on hearing this, his (Mr. North's) countrymen might be easily led to conclude, that if they

should have reason to believe that the benefits anticipated for Ireland in the Union had not been realized, while those expected by England had been realized; and that if, upon endeavouring to obtain a dissolution of the Union by legislative enactment, they should fail, through the anxiety of England to maintain the existing ties—then would they be equally justifiable in resorting to civil war. When the right hon. Gentleman (Mr. R. Grant) rose to answer the hon. member for Clare, he (Mr. N.) had hoped it was for the purpose of doing away with the effect of the unfortunate expressions which fell from the First Lord of the Admiralty. When the right hon. Baronet spoke of the supremacy of England, he surely could not have been aware of the full import of the term he used; but it came on his ear with a jar, like a discord in music. Something told him within that something had taken place, which derogated from the honour of his country.

Sir J. Graham was sure the hon. Member would be obliged to him for setting him right. The hon. and learned Gentleman laboured under a strange misapprehension. He denied that he had ever used the expression of "the supremacy of England." What he had said he was not inclined to retract. He had said, and he repeated the expression, that Government was determined to vindicate the supremacy of the law over all the agitators in Ireland.

Mr. North resumed. He was most highly gratified by the right hon. Baronet's explanation; not for his personal satisfaction, because he knew the First Lord of the Admiralty never could mean to assert the supremacy of England over Ireland, whatever unfortunate expression might escape from him in the heat of debate; but because a proud and irritable people—a people excessively jealous of national honour—might misconstrue these expressions. The terms upon which the Union was to be maintained were terms of perfect equality between the two countries; Ireland claiming for herself, and being satisfied with nothing less, than the perfect and complete enjoyment of the rights of British subjects, co-equal and co-existent with England. He would not trouble the House longer, he had risen simply with the view of obtaining that explanation which had now been given.

Mr. Hume said, that as it was stated the production of these papers would be

injurious, he would withdraw his motion.

Motion withdrawn.

The House went into a Committee of Supply, but Mr. Hume immediately moved that the Chairman report progress. The House accordingly resumed.

HOUSE OF LORDS,

Monday, Feb. 21, 1831.

MINUTES.] Bills. The Scotch Bankruptcy Laws' Continuation Bill, and the Settlement of the Poor's Bill, were brought up from the Commons, and read a first time.

Returns ordered. On the Motion of the Earl of WINCHILSEA, the amount of Monies raised by each Parish within the County of Kent, for Payment of Constables' Bills, from Michaelmas, 1827, to Michaelmas, 1830; distinguishing each year separately; and also, the amount of Monies raised in the County of Kent, for County Rate, from Michaelmas, 1827, to Michaelmas, 1830, distinguishing each year separately:—On the Motion of Lord TEYNHAM, an account of the quantity of Coculus Indicus, Quassia, and Extract of Quassia, imported into Great Britain during the year 1830, and the amount of Duty paid thereon.

Petitions presented. For Reform, by Lord DACRE, from Bishop Stortford:—By the Earl of RADNOR, from Bristol, Lincoln, and Malmesbury; and from the Butchers of Dublin, for a Repeal of the Union. By the Duke of DEVONSHIRE, from Waterford, for an Alteration in the Grants to the Kildare-street Society. By the Bishop of LONDON, from the Congregation of Tavistock Chapel, for the appointment of a day for a General Fast:—By Lord BEXLEY, from Southampton, to the same effect. Against Slavery, by the Earl of CAWDORE, the Bishop of LICHFIELD, Lord BEXLEY, and the Bishop of WINCHESTER, from various Congregations of Dissenters.

TITHES.] Lord Dacre begged leave to inquire of the right rev. Prelate, what progress had been made in bringing forward a Bill for the Composition of Tithes, which their Lordships had been some time expecting? He hoped that the Bill would contemplate a commutation, and not a composition; and he begged the right rev. Prelate to understand, if it were only for the latter, he should feel himself called upon to introduce to their Lordships a measure which should have for its object a commutation of tithes, and not a composition; and he was assured that the Legislature would support him.

The Archbishop of *Canterbury* said, that the Bill to which the noble Lord alluded had been a long time under consideration, and it was so still, as it was desirable it should be made as perfect as possible. With respect to the latter part of the noble Lord's question—namely, whether it was for a composition or a commutation?—he could only answer, that the Bill preserved its original character, and that it would establish a composition for a term of years. With regard to the hint which the noble Lord had given, of introducing

a measure for a commutation, he begged leave to inform him, that a bill, either for a commutation or composition, must have its origin in the other House.

BANKRUPT LAWS.] The *Lord Chancellor* presented a Petition from the Lord Mayor, Aldermen, and Corporation of London, for an alteration in the Bankrupt Laws. He recommended this petition to their Lordships, as it came from men of practical experience, who had daily opportunities of seeing the ill effects of the operation of the present system. He would take that opportunity of correcting a misapprehension which had taken place, of what he said on a late occasion, in presenting a petition from the merchants and traders of London on the same subject. He was stated to have confirmed the facts detailed in the petition; whereas, he had only given the statement on the authority of the petition itself. He understood that he had been supposed to reflect on the character of the Commissioners of Bankrupts; whereas, from his own experience of those gentlemen, he was of opinion that any statement, generally speaking, against them, was without foundation.

Petition to lie on the Table.

CHURCH BUILDING BILL.] The Bishop of *London* moved the second reading of a Bill to encourage, under certain regulations, the Building of Churches by private individuals. His Lordship said, that by the common law of the land, any person who should build a new church or chapel would not possess the patronage of it; but that patronage would go to the incumbent of the parish. This operated as a discouragement to pious men, who might otherwise be disposed to erect buildings for the performance of divine worship according to the rites of the Church. The object of the present Bill was, to remove that cause of discouragement, by giving to such persons as erected places of worship, with the sanction of the Commissioners for building New Churches, and the Bishop in whose diocese they might be built, the right of nomination. It had of late been the fashion in other places, and in the public prints, to cast a great deal of obloquy on the Board of Commissioners for Building Churches, the members of which had faithfully discharged the important trust reposed in them. He had been a member of that Board for seven

years, and he would challenge any man to point out any Board which had discharged its duty gratuitously with more activity, fidelity, impartiality, or with a more liberal sacrifice of time and attention. The munificence of the Legislature of this Christian empire had placed at the disposal of that Board a sum of 1,500,000*l.*; and during the time that they had the disposal of that fund, they had built 134 churches and chapels, in which there were 192,974 sittings, 106,154 of which were free to the poor. He felt great satisfaction in stating, that every chapel and church built by his Majesty's Commissioners, with very few exceptions, to be accounted for by local circumstances, had, since their erection, been filled to overflowing, without, at the same time, any diminution taking place in the numbers of those who attended the old churches of the country. He therefore did not scruple to put it to their lordships, whether 1,500,000*l.* could be better disposed of, in the present state of the country.

Bill read a second time.

GREECE.] Earl Grey said, that seeing a noble Earl (Aberdeen) in his place, who had put a question to him a few evenings ago, he begged leave to say a few words, in order to afford that information which at the moment he had been unable to give. The noble Earl had asked him, if any negotiation was pending, by which the limits of the new State of Greece were to be extended? When the question was asked, he (Earl Grey) had in his mind that some communications had passed on the subject; but he thought it would be highly improper, with that imperfect recollection, to give a decided answer. However, he had since made inquiries, and he could now inform the noble Earl, that communications had been made, but they had not led to anything which might be considered a negotiation. Whether they might lead to it hereafter, or not, was a matter he could not anticipate; but certainly there was nothing that could be called negotiation going on at present. With regard to what the noble Earl had stated, as to the terms already made, he could only say that he considered them to be valid and binding, but not immutable, as the noble Earl conceived them. They were like all other things of the same nature, subject to such alterations as might be thought necessary for the mutual advantage of both parties, and which the parties

concerned desired and consented to. He had also to add, that if an extension of the territory of the new State could take place, with the cordial acquiescence of all those who were interested in the subject, it would, in his opinion, add to the security of Greece, and confirm the general tranquillity of other States. He had only to repeat, that nothing should be done except on the principle which he had stated—of perfect good faith, and for the advantage, and with the consent, of the parties mainly interested.

The Earl of Aberdeen expressed satisfaction at the answer of the noble Earl; but he entreated the noble Earl, before any communications were followed up by what might truly be called a negotiation, to examine the real nature of the engagement, which, in calling immutable, he only meant to say was as binding as it was possible for an engagement to be. He therefore hoped that the noble Earl, before opening a new engagement, would well weigh the extreme difficulty and mischief which he was certain must be produced before the negotiation could be brought to a termination.

THE UNION OF WICKLOW.] Lord King rose to bring on the motion of which he had given notice, relative to the report made by the Archbishop of Dublin to the Lord Lieutenant and Privy Council of Ireland, to obtain their sanction to the great Union of Wicklow. In doing so it was not his intention to enter into the many abuses, with regard to unions, which were so characteristic of the Irish Church, and by which so many parishes were combined into one grand benefice, though it was an admitted evil, and though it served, above all other things, to bring into contrast the poverty of the people, and the great—nay, overgrown—wealth of the Church Establishment of Ireland. If any friend of the Church Establishment of Ireland were asked the reason why so large a portion of the public revenue should be set apart for the maintenance of the professors of a religion which was in so decided a minority as to its followers, he would undoubtedly answer, that one great advantage derivable from it was, that it secured the residence of a number of gentlemen of education, fit for the civil Magistracy. But that object was in a great degree defeated by the system of which he had then to give a particular instance, and by which as many as eight or ten parishes were united into one living. The design was altogether

counteracted by the practice, and he thought he could show a return which would not a little astonish their Lordships on this subject. Out of 2,450 parishes, so many were united, that no more than 700 Clergymen were resident in the whole country. Their Lordships would see, that not one-third of the whole number of these gentlemen of education, who might be employed to do so much good, and to enlighten the community, were called into existence. He would also show, that 1,701 parishes were consolidated into 517 unions. These, he supposed, were the Irish Consols, and that the remaining 749 were the few which were allowed to rest in single blessedness. The union of these parishes continued only during the life of the incumbent, and they could not be again united, after the lapse of his life, without the authority of the Bishop; and the Bishop who exercised that authority was obliged to give his reasons for so doing, by a report to the Lord Lieutenant and Privy Council, within a certain time. The union in question was not as enormous as some that he could mention; it contained six parishes, while there were others which contained twelve or thirteen, each of which might be called the *magnum bonum* or *summum bonum* of the Irish Church. In the diocese of Clonfert, for instance, according to the returns laid on their Lordships' table in 1824, there was not a single case of a parish being held separately. There was nothing but unions in that diocese, and every benefice in it was a union. In the diocese, the ancient custom of *quarta pars* prevailed; that is, the Bishop received the fourth part of all the tithes. And here he might say, that this custom bore out what he had advanced before—namely, that the tithes were originally divided into four parts, one being for the Bishop, one for the Church, one for the Poor, and one for the Incumbent. The Bishop in this diocese, taking this fourth part, found it more easy and advantageous to collect it from a few wealthy persons than from many who held small and divided livings, and, therefore, the Bishop had no wish to disunite the benefices. In another diocese, that of Killaloe, in 136 parishes there were but forty-four shepherds. This should be called the *ne plus ultra* of ecclesiastical arrangement. In the diocese of Dublin there were but sixty single parishes, and ninety-seven parishes formed into twenty-five unions, though it might

naturally be supposed, that in the metropolitan diocese there should be more Protestants than in distant places. He now came to the case in question—namely, the union of Wicklow; and he would first call their Lordships' attention to the Act of Parliament, the 7th and 8th of George 4th, by which it was enacted, that when any Archbishop or Bishop in Ireland should unite any parishes, he should report the same, with his reasons for so doing, to the Lord Lieutenant and Privy Council, within fourteen days; and unless such union shall be approved of by the Lord Lieutenant, it shall be void. The report which the Archbishop of Dublin made, related to the vicarage of Wicklow, to the vicarage and rectory of Drumkey, and to the vicarage of Kilpole, with their appurtenances. But first he must state, that the Archbishop of Dublin stood in the situation of Bishop of the diocese, and patron of the living of Wicklow. To that Report he had various objections to make; and he thought the best way of stating them, so that their Lordships might understand them, would be, by placing the contradiction which he had to give immediately after the assertions of the Report which he believed to be incorrect. The first contradiction, then, was, that whereas it was said in the Report, that the vicarage of Wicklow was to be united with others, he was informed that there was no such parish or vicarage as Wicklow known either to the inhabitants, or to the collector of the county cess. He laid a stress on that, because he understood that one of the main points to be urged in answer to him was, that Wicklow belonged to the Prebendary of St. Patrick's, Dublin; but the weakness of that reply would be manifest when it was made known, that the town of Wicklow stood in the two parishes of Drumkey and Kilpole. The Archbishop of Dublin said, the parishes which he united were contiguous to each other, and that the yearly income of the incumbent amounted to 787*l.* from the parish of Wicklow, 63*l.* from Drumkey, and 59*l.* from Kilpole, making together 909*l.* The contradiction to that statement was, that the demand of Archdeacon Magee, when he attended a meeting of the parishioners of the whole union, for the purpose of entering into a composition of tithes, was to a much larger amount, and the real value of these parishes to the incumbent was to be gathered from his

estimate. One parish, Rathnew, he estimated at 610*l.*; Killiskey, 610*l.*; Drumkey, 289*l.*; Glanelly, 511*l.*; Kilcommon, 176*l.*; Kilpole, 57*l.* There were some additional shillings in each item, which he had not enumerated, making the whole income from these parishes 2,255*l.*; and this was independent of the tithes of two properties, in the two first parishes with the owners of which the Archdeacon was at law. If to that sum the value of the glebe land, containing eighty statute acres, was added, the annual profit might be very fairly taken at 2,500*l.* He hoped the House would understand that this was no estimate made by him, or by those who opposed the union; but it was the valuation made by the Archdeacon himself, and on which the demand made by him on his parishioners, for the commutation of his tithes, was grounded. The Report then went on to state, that the whole union contained 17,200 acres, and that a great part of it was mountain, marsh, and barren heath, the population being scanty: but the contradiction to this statement alleged, that the union, according to a paper in the possession of the Archdeacon, contained 36,000 statute acres, and that it was thirteen miles in length, and from eight to nine miles wide—and that, as to the population being scanty, it was very great, especially near the town, which contained between 3,000 and 4,000 inhabitants. On the whole, the union contained not less than 13,000 inhabitants, of whom a considerable proportion were Protestants. The next assertion in the Report was, that the churches in the union of Wicklow were convenient to each other, and to every part of it; and that, from the most remote part of the parish to the centre, the distance was not more than a mile. To that the contradiction was, that a part of Drumkey, called the Three-mile Water, which was the name of a hamlet, was at least four English miles from the centre of the town of Wicklow. It was next said, that the glebe land of the union was but seven acres, three roods, and three perches; while, in fact, there were forty acres of glebe land near the town of Wicklow. The Report next charged, that the parishes of Drumkey and Kilpole were not able to support an incumbent; but that was contradicted by the valuation of the Archdeacon, who estimated them at 395*l.*, an income much above the average standard which the right rev. Bishop

struck on a former night. Their Lordships would understand, that this Report was made about a year since to the then Lord Lieutenant, Hugh, Duke of Northumberland, and he hoped their Lordships would admit, that he had brought a full and sufficient contradiction to it before them. It would appear, that within the union there were three excellent churches, and that the rectorial tithes alone amounted to 1,600*l.*, and with the glebe land, to 1,800*l.* a year. Indeed, the Archdeacon said, he would not take less than that for them. And he put it to their Lordships, as that sum was double the amount allowed to be united by the order of the Privy Council, if it would not have been proper that the union should have been divided. The fortunate holder, he need not remind their Lordships, of all these good things, was the son of the Archbishop of Dublin, who was, in addition, Rector of St. John's, Dublin, a Prebend of Christ Church, and Archdeacon of the Diocese of Clonfert. Perhaps it might be said, that the last incumbent enjoyed, with the tithes of these parishes, another living which the present incumbent did not possess; but it should be recollected, that if the Archbishop had not given this benefice to one son, he had given it to another, and, therefore, it was still in the family. He abstained from entering into the church-yard brawls, and from a description of the quarrels between the Rector and his parishioners, when he bad them go to a place, which was not Heaven. This was for the purpose of making them pay their tithes, and he believed he did make them pay them. So that they, whatever other names they might deserve, were certainly not liable to the reproach which a Monk applied to some people of old—*Pessima est gens; decimas non solvunt*. They did pay their tithes. He wished to avoid other topics, in order that he might confine his charge as strictly as possible to his objection to the Archbishop's report. The defence, he understood, that would be set up was, that the vicarage of Wicklow belonged to a stall at St. Patrick's—that it was held as it were *in commendam* with St. Patrick's. This was excellent, and he could now more than ever understand why one good reason was worth nineteen bad ones. He would, however, ask their Lordships, no matter how completely the matter was settled by those to whom the good things fell, if the parish-

ioners were to go for nothing, and if there was to be no consideration for their feelings and wants? This was a union which the House would see must be disunited, and he would willingly leave the case in the hands of the Irish Government, if it should think proper to take it up. He hoped it would do so, if it were only for the honour of the Irish Church; but, if it did not, he should feel himself called upon to move an Address to the King, praying his Majesty to dissolve the Union. He now moved, "That the Report for uniting Episcopally the Parishes referred to, be laid before the House."

The Archbishop of *Cashel* said, that the Bishops were not enabled to dissolve some of these unions, because they had existed from time immemorial. The application to the Privy Council must be made before parishes could be united, and the Report in question did not refer to the parish of Wicklow, but to parishes adjacent. The tithes of the parish of Wicklow, though not called by that name, extended over a considerable district, which contained four chapelries and two churches. They altogether made up what was called the parish of Wicklow, and of the tithes, of which two-thirds were appropriated to the prebendary of Wicklow, in the parish of St. Patrick. There had certainly been a very material difference between the valuation put on this property by the right rev. Prelate and the noble Baron who made the Motion, but, when the charges to which these livings were subject were taken into consideration, and deducted, it would be found that the two estimates of their value were nearly the same. As to the small parishes alluded to, it was material for their Lordships to be informed, that, being separated from each other, and not contiguous, it was contrary to the established rule in such cases that they should be episcopally united.

Lord *Farnham* felt himself called upon imperatively to utter his sentiments on an occasion when the conduct of a most rev. Prelate was under discussion, who yielded to none on that episcopal bench for extent of learning, or for solid piety, and whose publications in the elucidation of Christian doctrine, and the grounds of our common faith, though they might form no part of the noble Baron's library who this evening believed it his duty to impeach the conduct of that most rev. Prelate, would be found to contain the ablest ar-

guments in favour of, and 'strongest support to, the doctrines of the Established Church. Much as he had been occasionally led to the contemplation of parliamentary exaggeration, he had never before imagined it possible that such a tissue of gross misrepresentation and unfounded assertion could have so completely disguised the real facts of a case, or have been accumulated for the purpose of creating an unfair and unfavourable impression with respect to the character of an eminently learned and distinguished ornament of his sacred profession. He did not charge the noble Baron with making those misrepresentations, or creating those unfounded aspersions; it was the noble Baron's informants he impeached. The noble Baron, like himself, must take his information from whence he could procure it. They were, therefore, at issue merely upon facts—facts which had been supplied to them; but of which they neither of them could pretend to be eye-witnesses. He wished first to state the preferments by Archdeacon Magee, which were, the prebend of Wicklow, consisting of the rectorial tithes of the four chapelries of Rathnew, Killiskey, Glanelly, and Kilcommon; this was a perfect sinecure;—the vicarage of Wicklow, the emoluments consisting in the vicarial tithes of the same chapelries; the rectory and vicarage of Drumkey, and the vicarage of Kilpole. The prebend of Wicklow might or not be held in conjunction with the other preferments but it could not be united with them into one episcopal union; and the union of the vicarage of Wicklow with the parishes of Drumkey and Kilpole was exclusively the subject of the Archbishop of Dublin's report. The whole of these preferments were held for forty years by the late Dr. Dealtry, who had been, in the latter part of his life, considerably in debt, and, a sequestration having issued, the living had been in the hands of a sequestrator. It was, perhaps, known to most noble Lords, that the sequestrator was paid for his trouble in collecting the tithes of parishes under sequestration by a per-centage on the amount: he was, therefore, not likely, if required to give in a statement of the value of them, to make an under-valuation. It was considered, therefore, that nothing could be less open to objection than to consult one who had been, as sequestrator, in the receipt of the income

of the living for several years past. It had never been the practice, on the falling in of such vacancies, for the Bishop to send a surveyor to value the property in every individual living. The sequestrator was, therefore, in this case, applied to by the Archbishop, as it appeared that he could have no interest to make a representation that the tithes were really less than they were. The noble Baron had stated, that the income was imperfectly estimated, and that the Archdeacon estimated the amount as high as 2,250*l.*, but said, he was content to receive 1,600*l.* It was said, the rectorial tithes of the Wicklow union were equal to 1,000*l.* a year; the other small vicarages were taken at about 600*l.* a year. In looking at the value of these tithes, it should be recollected, however, it was not all revenue, for it was subject to various encumbrances; of which one encumbrance was the percentage of the collection by the sequestrator, amounting to 10*l.* per cent, which, at 600*l.* a year, would amount to 60*l.*; there were also on them a charge for four Curates, receiving 100*l.* a year each; making the total charge 460*l.* a year: so that the incumbent would receive out of these parishes a clear income of 140*l.* a year. This simple statement alone would overturn the whole of the misrepresentations of the noble Baron. And it was only over these vicarages that the Lord Lieutenant in Council could have any control. So far he thought he had totally disproved the statement made by the noble Baron, as respected the valuation of these vicarages. He felt, however, that, in disproving this, there was but little effected. What he deeply regretted was, that this attack upon the most rev. Prelate's conduct, with respect to Church-property, was only a development of part of a system of which the foundations were laid but too deep to bring our Church into contempt and disrepute, and finally to subdue and break down the Establishment itself. Here, fortunately, the baneful spirit evaporated in speeches; but the case was far different in Ireland, for there the same spirit was beginning to manifest itself in acts and conduct highly dangerous, and of a very unequivocal character. He had no hesitation in saying, that in Ireland there was a conspiracy against the Established Church; and that this was, in many instances, attributable to the interference of the Catholic Priests in Ireland, he had

been furnished with documents to prove. Such practices and acts as were described to originate with them, upon affidavits he held in his hand, must finally end in violence; and the destruction of the lawful property of the Church. That the subversion of Church property in Ireland would be followed by a similar subversion of it in England, no man of any observation could doubt; and unquestionably it would occur in both countries, unless the practices he had alluded to were stopped by the strong hand of the Government. He would proceed to read the affidavits which deposed to these facts. The party making the first affidavit was of a most respectable class in society; he should refrain from giving his name, from prudent motives, but any noble Lord might examine the affidavit if he pleased. It was well known in the neighbourhood of Kilkenny that there had been a voluntary agreement between the clergy and the landholders to apportion their tithes under the Tithe Commutation Act. The consent of the parishioners was unanimous, and they had, until the last six months, cheerfully paid the commutation. The documents he alluded to were, doubtless, already before Government. If he misstated their effect, he, no doubt, should be corrected by the noble Secretary for the Home Department. In the parish of Grieg, in the county of Kilkenny, the rev. George Alcock had, about five years since, agreed to take 720*l.* as his commutation, which even under the Tithe Commutation Act, itself a relief, would have amounted to 980*l.* a year, and which was thought so inadequate by the Bishop, that he with difficulty assented to the arrangement. The parishioners were contented with the arrangement, and they and their clergyman lived on the best terms: they cheerfully paid their tithes, and he was contented with much less than his legal dues. In this state of things, a new Catholic Priest came into the parish; a clever man, and one who would not do any thing in ignorance—a relative, too, of the celebrated Doctor Doyle, bearing himself the name of Martin Doyle. Shortly after his coming, he called together a meeting of the parishioners in the Court House, on a Sunday, which, it was expressly said, was convened for the purpose of defeating Mr. Alcock in the collection of his tithes in the parish. The rev. gentleman addressed the meeting to that

effect, and, after making use of language highly inciting, told the numerous assemblage, that if they were not righted of this abuse of tithes, they must proceed to right themselves. On the 27th of November last, another similar meeting was announced. The rev. gentleman again addressed them in the same way, and in the same inflammatory language: he exhorted them to resist the payment of tithes—if distrained, he told them to treat it with indifference—he would bail out their cattle. When the sale was advertised they should be all there, to the number of above a thousand—"And let me see," said he, "who will dare to bid for the cattle distrained—he shall be hunted through the country." To this harangue the people answered, according to the deponent, who was present on the occasion, "We will be there, and our sticks shall be there too." These persons were appointed to collect subscriptions to carry on these measures, and they all separated denouncing with threats all who should dare bid at any sale of goods distrained for tithes. Soon after, this same Mr. Doyle, hearing that the lay-impropriator of a parish about twenty miles off had distrained some cattle for his tithes, accepted a dinner there, at which the impropriator of the tithes was present. The result of the meeting was, that, on the same day that was fixed for the sale of the cattle impounded, the people were collected in the neighbourhood, under pretence of meeting for a bull-bait. The gentleman who had distrained was so far intimidated by this assemblage, that he withdrew his claim for the tithes; at least, he did not think himself able to enforce it, and the beasts were delivered up in triumph to their owners, out of the pound, by the people.

Lord *Teynham* rose to order. He submitted that the noble Lord was out of order in introducing matter wholly irrelevant to the question under consideration. Besides, it was not a fair, creditable, or honourable, course thus to impeach the character of the Catholic Clergy, who were not there to defend themselves.

Lord *Farnham*, in resuming, said, he could not believe that he was out of order; for, if allowed, he should be enabled, he believed, to prove all these facts at the bar of the House. He would mention another case. The rev. Mr. Vigors deposed to a tumultuous meeting in his parish, where, after the parish Priest had lec-

tured the people on their right to have their tithes reduced, he described, as a great hardship, the case of a man, against whom proceedings had been taken at law for five years' arrears of tithes. A thousand people, armed with sticks and hurries, appeared to enforce the lecture, carrying a standard, and led on by, amongst others, a Lieutenant Woodcock late of the fourth Dragoons. The deposition of the hon. and rev. Dean Bernard stated, that a similar attempt had been made in January, 1830, at Wells, to resist the payment of his tithes. He had lowered the amount of his tithes, which was at first favourably received, but after a little while, the tumultuous assemblages which had begun in other places extended to the parish of Wells, and he could now get no tithes whatever. The whole tenor of these depositions proved that there was now in active operation a systematic conspiracy to resist the payment of tithes. Since this commotion had taken place in these districts, it was a fact that the clergy there had never received one farthing of tithes. He was satisfied that the noble Marquis (now Lord Lieutenant of Ireland) was well disposed to contribute every effort in his power to enforce the law of the land in this respect. But he would ask their Lordships, if they clearly perceived, as he did, the operation that was in process—namely, that of preventing by intimidation the collection of that species of property or income in the different parishes of Ireland—for the preventing of all bidding at a sale, when a distress for tithes had been levied, was, in effect, to prevent all chance of collecting tithes?—he would ask their Lordships if they allowed this, what was the next property which would be assailed? Would it not be that of their Lordships themselves, and would the priests not denounce the payers of rent to their landlords as they now denounced the payment of tithes to the Clergymen? The evil called loudly for a remedy, if remedy there was any. For himself he hardly knew or could conceive how the law could be altered so as effectually to reach an evil which placed itself above all law, and defied legal process. He had read a report of a late agitating meeting in Ireland, at which a person named Sheil (not the Barrister of that name so well known), declared, that if there was not Repeal of the Union they would neither pay rent,

tithes, nor taxes. Let the distrainer for tithes be told, your legal process is vain; and how long would it be ere the same language would be applied to the distrainer for rent, who, if he distrain, cannot sell? Who, if this evil were suffered to take root, could tell where it might end? Who could stop it if it were permitted once to take place unpunished? This evil, now in its beginning, might alone account for the violence and outrage which had lately occurred in Ireland. If it were permitted to go on, it must end in the total uselessness, and consequent ruin, of all property in that island. The noble Lord, in conclusion, apologised for having so long intruded on their time; but he confessed he felt it a duty he owed to the Church of Ireland, when he perceived its vital interests were at stake, and its character attempted—he hoped vainly—to be impeached. At the same time that he made these observations, which he thought were justified by the occasion, he professed he was perfectly disposed to permit the documents moved for to be furnished. Indeed, he was disposed even to go into Committee upon the subject generally, being perfectly satisfied that all that he and the noble Baron were at issue upon was facts, and that the more the conduct of that reverend Prelate who was accused was inquired into the more he would be found deserving of honours.

Viscount *Melbourne* was inclined to go so far with the noble Lord as to presume that attempts had been made to resist the rights, and injure the interests, of the Established Church in Ireland; but there was so much feeling of an angry nature, so much violence and animosity, mixed up in the discussion which took place on this, and almost every subject connected with Ireland, that it particularly behoved their Lordships to enter into the consideration of such topics with great temper and moderation—so as to excite hopes that they might be able to remove the blemishes and defects visible in her condition, without exposing her to the too often experienced effects of irritation. Had he been apprised by the noble Lord that he meant to go so far into particulars, he should have endeavoured to meet the subject with more official information. It was, perhaps, true, that he had seen in the Home Office the depositions alluded to. Possibly there were departures in some of the Ca-

tholic Clergy from the path of conciliation and sacerdotal duty; but he must say, he had received very authentic information, that there were instances in which their conduct had been happily characterised by a different proceeding. It was true, that things assumed a very different tinge and hue from the medium through which they were represented to the eye, but they sometimes experienced the same influence from the eye itself to which they were represented. He had heard of cases in which it had been owing to the interference of the Roman Catholic Clergy that the tithe had been collected. The noble Lord had only done justice to the gallant Marquis at the head of the Irish Government for his promptitude to enforce the existing laws in Ireland, and support the rights of the Irish Church. He knew not what was the measure of redress the noble Lord would fain suggest to the Lord Lieutenant; but if he was possessed of any remedy for the evils which existed, and would only state it to that noble Lord, he might calculate with certainty on its being attended to with promptitude. As to the papers moved for, he should make no opposition to their production.

The Earl of *Wicklow* felt some satisfaction in the Motion, first, because it would throw some light on the state of that Church, for which he entertained much solicitude; next, for the respect he bore to the eminent character and piety of the most reverend Prelate whose conduct was its subject; and, lastly, from somewhat of an ill-natured feeling of satisfaction, in the anticipation that the first shaft of the noble Baron's malice winged against the Irish Church, was destined to fail. He felt convinced,—it was in his mind, a matter of complete certainty,—that the high Church dignitary concerned would not have sent in a false return of the value of the different livings to the Lord Lieutenant. He had also seen the printed statement in favour of the most reverend Prelate, soon after the noble Baron had given notice of his Motion. He was glad that he had seen it, for it was highly satisfactory; and the promptitude with which it had been made out was highly creditable to the person who prepared and brought it forward. The Archbishop, however, did make inquiries. He took the estimate of Mr. Revell, a gentleman long acquainted with the Union, and the col-

lector of its tithes, who valued them at something above 900*l.*; and he also took the opinion of Mr. Fletcher, who declared the living to be worth 1,500*l.* He admitted, nevertheless, that the Archbishop, who was at the moment in a very infirm state of health, had not, perhaps, made all the inquiries which he should have made, but he believed, that no attempt at imposition had been practised by any party. It was said, that the Union should be separated; but the Privy Council had no power to do that. The Union was composed of four chapelries, each worth about 200*l.* a year, and the only part of it over which the Privy Council had any power, were two small livings, worth together about 122*l.*, which, he contended, could not be beneficially separated from the chapelries. The noble Lord concluded by expressing his conviction, that among the many improvements at present going on in Ireland—and many were wanted still—the most important was the great change which had taken place in the conduct of the clergy of the Established Church. He believed, that there were not at the present moment, in any country of the world, a more zealous, moral, or efficient body of religious teachers, and he was satisfied that it was their most earnest endeavour, as well as their greatest pleasure, to promote the well-being and happiness of those intrusted to their care. The noble Baron (King), who had so long shown his affection for the Church of England, had, from some recent inquiries, thought it better to transfer his attention to the Church of Ireland; but he (Lord Wicklow) was satisfied that a further and better acquaintance with the subject would induce him also to abandon his course of observations with respect to it.

The Earl of Darnley was glad, that the Motion of the noble Baron had been brought forward, as he considered it a mere preparation for the more comprehensive and extended inquiry into the state of the whole Church of Ireland, which could not be much longer delayed. The noble Earl (Wicklow) might be quite accurate when he said, that the clergymen were zealous and attentive to their duties; but what duties had they to perform, when in many cases they presided over parishes which did not contain more than one or two families of their religious persuasion? He was convinced, that an inquiry could not be much longer delayed,

and that it was as necessary, for the peace of Ireland, to inquire into the abuses of the Church, as they had already found it to be, to inquire into the abuses of the State.

Lord Teynham rose, merely for the purpose of stating why he had interrupted the noble Lord. The charge which had been brought against the Catholic priests was, in his opinion, most undeserved, and he could not let it go forth to the world without contradiction.

The Duke of Northumberland said, as the circumstance to which the Motion referred had taken place when he was at the head of the Government in Ireland, he found himself called upon to state what share he had in the transaction. He could assure the noble Baron who had moved for the Report, that the union of these parishes had not been acceded to as a matter of course. The statements which were made to the Privy Council were considered satisfactory, otherwise the Council would not have agreed to the measure. He was so far from objecting to the Motion, that he should like to see it granted, in order to facilitate any inquiry that might be judged necessary.

Lord King would not deny, that some inquiry had been made, but the evidence given rather tended to mislead than otherwise. One fact was, that the sequestrator held land in the parish, and he was not likely to raise the rate of the tithes. The noble Lord (Lord Farnham) said, this was a conspiracy against the Church, and the Catholics were mixed up with it. He could only say, that he did not believe that the Catholics had any such intention, and he was confirmed in this from a letter which he had received from a respectable Catholic gentleman, in which he says, that they had no wish to destroy just rights, or speak lightly of the Church. He (Lord King) might be called a conspirator, but, if he was a conspirator, he was a conspirator, not against the Church, but against the abuses of the Church; and if the noble Lord had alluded to him, he could only say he had mistaken his purpose. He denied that the Union could not be separated. It was an episcopal one, and, like any other, open to separation under the 7th and 8th of George 4th. He believed that the defence in this case was an after-thought, and that, if the claim of the Prebendary had been defensible, it could have been stated at the

time. A memorial on the subject would soon be presented to the Privy Council; and, therefore, he should abstain from further remarks.

Motion agreed to.

COMMERCIAL RELATIONS WITH PORTUGAL.] Viscount *Strangford* asked the noble Earl (Grey) whether it would be convenient to him that he should bring forward his Motion respecting Portugal now?

Earl *Grey* said, he was then ready to go into the subject, if it met the convenience of the House.

Viscount *Strangford* proceeded.—The subject, he said, which he had to bring under the consideration of their Lordships was, in his opinion, one of great importance, as it had reference to one of the oldest allies of this country. In bringing it forward he could not conceal from their Lordships, that he was also actuated by feelings of strong regard for a country in which he had passed a considerable portion of his life; and he owned he could not view without indignation a measure which he considered as treating Portugal with injustice and contempt. It might be said, that there were no parliamentary grounds for the Motion which he was about to submit, as it could have reference only to what passed in another place. He wished in the outset to meet this objection, and he did so, by resting, as a parliamentary ground, on the notoriety of the circumstances to which he referred. On many occasions, references had been made to the notoriety of circumstances, as the ground of a motion, and he need not go further back than the last Session, when a noble and learned Lord brought forward a motion on the distress of the country, on the notoriety of that distress. It was, he thought, therefore, a sufficient ground for troubling their Lordships on the subject of our commercial relations with Portugal, that a noble Lord, holding a high situation in the Government, had intimated his intention to alter those commercial relations. This then, was matter of public notoriety; and although he had heard it argued the other evening, that the mere proposal of new taxes did not afford sufficient grounds for motions on the subject before their Lordships, he apprehended that the notoriety of which he spoke afforded a sufficient reason for calling their Lordships' attention to the

subject of which he had given notice. It was not necessary for him to trouble their Lordships with a history of the Methuen Treaty, which gave, as their Lordships knew, certain advantages to the manufactures of this country, on their admission into Portugal, as a return for corresponding advantages given by this country in the admission of the wines of Portugal at a lower scale of duties than the wines of other countries. He was not called upon at that time to discuss the original policy of that measure, or its *modus operandi*; neither did he feel it necessary to enter into the right of either country to admit, or refuse to admit, the produce of the other upon any terms it pleased. The power of doing so, and of dissolving this mutual compact was certainly open to either party, up to a certain time, but in consequence of a treaty between them, that power became limited by certain regulations and necessities for notice, which could not be neglected or broken through without a violation of faith. He trusted, therefore, that these formalities had not been disregarded, for such conduct would both tarnish the reputation of England, and be an offence to a State, incapable, perhaps, of doing herself justice. In the case of Portugal being the party violating that faith, England had the means of redressing herself; but Portugal did not possess the same means of enforcing the treaty on her part; and, therefore, the violation would be more dishonourable on our part. He was sure, that none of their Lordships would advocate the principle, that England would be justified in doing that to Portugal which she would not do to the United States of America, or to France. Before he entered into the general question, he would say a word as to some attempts which had been formerly made to rescind this treaty. At the close of that splendid career of victories which distinguished our arms under Marlborough, two treaties were brought under the consideration of Parliament; one a treaty of commerce—the other, the treaty of peace. By the former, the preference given to the wines of Portugal above those of France, was to be abrogated. This new treaty was founded on what was considered a barbarous principle in the time of Queen Anne, viz. that if the people of this country got the wines and goods of France cheap, no matter how much our manufacturing interests suffered as the

price of that cheapness, it was not wrong to protect the trade of our ancient enemy, and ruin that which we carried on so advantageously with our old ally and friend. He would not dwell upon this part of the subject; but if their Lordships referred to papers and documents of that day, they would find how strong the feeling of the country was on that question. The people took the alarm, and he believed the great-grandfather of the noble Baron (King) opposite, who now took so active a part in bringing forward the peccadilloes of the Church, Lord Halifax, and the ancestor of his noble friend, (Earl Stanhope) took a very prominent part in opposition to that policy, and in support of the Methuen Treaty. Evidence was examined at the bar, and that which was produced was incontrovertible. Ministers wished then, as they appeared to wish in later times, to flatter and cajole France. They proposed to take the duties off French wines for two months, thus setting aside the Methuen Treaty, and they recommended their scheme by asserting that the wines of France were very gratifying to the palates of Englishmen. The plan, however, fell to the ground, and, as an able defender of the Methuen Treaty had said, the employment of the loom of England, and the encouragement of her domestic industry, would be found much more advantageous to her than any benefit she could derive by consuming the wines of France at a cheap rate. The statesmen of that day were illiberal and ignorant enough to contend, that no concession could conciliate France, and that it was not the policy of this country to encourage the trade of that Power. The principle upon which we went was that of national reciprocity; but how could we expect that that principle would be conceded to us by France? And if the policy of Bourbon France was not to encourage our trade, it was still less that of France in her present state, when she must feel it necessary to conciliate her numerous and powerful artisans, who made and unmade Kings, by placing every restriction upon the manufactures of England. After the failure of this first attempt to get rid of the Methuen treaty, it remained undisturbed for many years. The next attempt to alter it was made in the year 1787, when Mr. Pitt attempted to equalize the duties on the wines of the two countries, he meant France and Portugal. He would abstain from entering then into any of the argu-

ments used by the many eminent men of that day against that proposition, though undoubtedly he had great temptations to quote arguments on the subject which were much more forcible than any that he could use. They might, however, be found in the speeches of the most distinguished men of that time, including those of that great statesman, Mr. Fox, who was most strenuous in objecting to what he called gratuitously yielding up our interests to France. If he wanted any additional arguments, they would be found in the first speech of a noble Earl (Grey), opposite, who had then given early promise of that talent which had since distinguished him in public life. He had read and re-read the speech of the noble Lord before he had ever the happiness to hear the noble Earl deliver his sentiments in that House. That speech, even from reading it, had produced conviction on his mind, and since he had heard the noble Earl, he was tempted to ask regarding it, as of an oration of old, "what would have been its effects if you had heard it?" The influence and the majorities of Mr. Pitt, however, prevailed on that occasion, over the memorable efforts of genius and talents to which he had referred, as they did on many others, and the Methuen Treaty was suspended for a time—but it was only for a short time, for war soon broke out, and the wines and woollens of Portugal and England were placed in the same condition as before. He wished to be understood as not questioning Mr. Pitt's right to do what he did, he had a distinct right, but the policy of his conduct and his right to act as he did were very different subjects. He would now call their Lordships' attention to a negotiation which had been entered into by Mr. Canning with the government of Portugal, which he certainly referred to with reluctance, as he was himself concerned in arranging it. In that negotiation it was insisted on by Portugal, that the Methuen Treaty, should form an article of any new treaty. Such an article was accordingly inserted, and by it the Methuen Treaty became incorporated into the new treaty, grew to be part and parcel of it, and was rendered liable to all its limitations and restrictions in respect of duration; and from that moment the right of Great Britain to deal with the Methuen Treaty as a separate instrument ceased and determined, and thenceforward she

could only consider it as forming a portion, an article, of the new treaty in which it had merged. He would, with their Lordships' permission, read the article by which it was incorporated into the Treaty of 1810:—"It is agreed and declared that the stipulations contained in former treaties, concerning the admission of the wines of Portugal on the one hand, and the woollen cloths of Great Britain on the other, shall, for the present, remain unaltered." By the 33rd article of the Treaty of 1810, the two Powers "reserved to themselves the right, at the expiration of fifteen years, of jointly examining and revising the several articles of this treaty"—(including, of course, the one that he had just read, respecting wines and woollens)—and after making such alterations as might be necessary for the interest of their respective subjects. The 33rd article went on to state, "that at the period of the revision it should be competent to either party to suspend any stipulation that might be objected to until the discussion concerning that stipulation should be terminated, due notice being previously given to the other contracting party of such intended suspension, for the purpose of avoiding mutual inconvenience." What he said was this, that the Methuen Treaty, regarding wines and woollens, having thus become a stipulation of a new treaty, could only be suspended in the manner prescribed for its other stipulations, that is, after due notice previously given. Now he would ask, whether those formalities—indeed they were not mere formalities—he would rather ask, whether these essentials had been regularly observed? Had due notice been given of the intention of his Majesty's Government to revise those treaties. He was afraid not. He did not think these essential formalities had been observed—he did not believe that due notice even had been given to those who were interested in the proposed change. The vast amount of capital involved in this trade ought to have induced Ministers to proceed cautiously; instead of that, the course which they had pursued had thrown the trade into confusion, and threatened with ruin those who were concerned in it. This was done at the very moment, too, when this Government were, through their Consul General, insisting on the performance, by Portugal, of every stipulation that Government had entered into with us, to the

very letter. Such was the time which Ministers had selected to make this alteration. He feared that they had acted thus without taking due care of the property of the King's subjects in that country. It was on these grounds that he called for explanation; and he particularly wished to draw the attention of Government to the vast number of merchants and traders who were interested in this question, and who had intrusted him to lay on the Table several petitions on the subject. He begged leave, on this occasion, to disclaim all intention of embarrassing the Government in the performance of its public duties by his Motion. He shared too deeply in the vast anxiety with which millions were awaiting the measures (and particularly one of the utmost importance) which Ministers had in contemplation, to embarrass them by provoking any unnecessary or uncalled-for discussion. Looking to the dangers which threatened the country, both at home and abroad, he should feel himself unworthy of his seat if he acted from any motives save those which were perfectly justifiable. But when the question was one which involved the national honour, he felt that even the respect which he felt for the considerations to which he had alluded must give way to his sense of public duty. He had, therefore, brought forward this subject, in the hope that the noble Earl would be able to satisfy him on the points to which he had called the attention of their Lordships. The noble Viscount concluded by moving—

1. "That an humble Address be presented to his Majesty, praying that his Majesty would be graciously pleased to direct that there be laid upon the Table of this House, copies or extracts of any instructions to his Majesty's Consul General at Lisbon, dated subsequently to the 20th of November, 1830, calling upon the Portuguese Government for the strict fulfilment by them of all the commercial treaties existing between the two countries.

2. "Also, copies or extracts of any communications made by his Majesty's command to the Portuguese Government, relating to the revision or suspension of any of the stipulations contained in the Treaty of Commerce, signed at Rio de Janeiro, on the 19th of February, 1810.

3. "Also, copies of any notice or communication that may have been made to his Majesty's subjects established in Por-

tugal, respecting the intended suspension of any part or parts of the commercial treaties between Great Britain and Portugal.

4. "Also, copies or extracts of any instructions subsequently to the 20th of November, 1830, that may have been given to the officers commanding his Majesty's ships in the Tagus, or at the Court of Portugal, for the protection of the persons and property of his Majesty's subjects established in that country."

Viscount *Goderich* said, he believed most truly, that the noble Lord did not wish to embarrass the Government by this Motion; and he agreed with him, that in the important negotiations at present carried on by this country, in a time of great difficulty, it was of the last importance for their successful result, to show that the Government had not in any instance violated the national faith. He trusted, that he should be able to show, that the Government had been guilty of no breach of faith. It was true, that we had not given Portugal notice, and the noble Lord (Strangford) said, that he hoped the Ministers would be able to satisfy him, to satisfy their Lordships, and to satisfy the country, that they had not violated any treaty, and had acted in strict conformity to the treaties that were in existence, and that Portugal had received no cause to complain of our injustice. This was what he meant to attempt. The noble Lord had stated the treaties by which we were bound; they were, first, the Treaty of Methuen, signed in 1703; and, secondly, the Treaty of February, 1810, concluded by the noble Lord himself. He would beg leave, on that occasion, to say nothing on the commercial part of the question, which it would not be very convenient for him then to discuss. He had not come prepared with documents for that purpose, and, therefore, he should confine himself to the question of good faith, and to the obligations we were under with regard to Portugal. The Treaty of 1703 had not been quite correctly quoted by the noble Lord. He had ingeniously left out that part of the Treaty on which the major part of his (Lord *Goderich's*) case depended. If his Lordship had read more of the treaty, he would have seen that the next sentence had a most important bearing on the whole subject; but that his Lordship had omitted. The Methuen Treaty was to this effect, and as it was not long he

should not weary their Lordships by reading it. His Lordship accordingly read as follows:—

"His sacred royal Majesty of Portugal promises, both in his own name and that of his successors, to admit for ever hereafter, into Portugal, the woollen cloths, and the rest of the woollen manufactures of the British, as was accustomed, till they were prohibited by the law; nevertheless upon this condition: that is to say,—that her sacred royal Majesty of Great Britain shall, in her own name and that of her successors, be obliged, for ever hereafter, to admit the wines of the growth of Portugal into Britain; so that at no time, whether there shall be peace or war between the kingdoms of Great Britain and France, anything more shall be demanded for these wines by the name of custom or duty, or by whatsoever other title, directly or indirectly, whether they shall be imported into Great Britain in pipes or hogsheads, or other casks, than what shall be demanded for the like quantity or measure of French wine, deducting or abating a third part of the custom or duty."

Now, their Lordships would mark, he hoped, what followed:—

"But if, at any time, this deduction or abatement of customs, which is to be made as aforesaid, shall, in any manner, be attempted or prejudiced—

What then was to take place? Were we to give notice? No such thing. The Article went on to say,—

"It shall be just and lawful for his sacred royal Majesty of Portugal, again to prohibit the woollen cloths, and the rest of the British woollen manufactures."

That was an important provision made in the treaty, by which Portugal might right herself, should we not choose to act upon the conditions implied in the treaty. The treaty was a concession made by Portugal to England, under certain conditions, and if England did not observe the conditions, Portugal got back her rights. There was not a word about notice, and the noble Lord could not argue from that any want of good faith by our not giving notice of our intention to depart from the Treaty of Methuen. He should then proceed to show that there was no obligation to give notice imposed on us by the Treaty of 1810. That treaty began in a remarkable way, which the noble Lord had omitted. The thirty-third Article of that treaty contained a reference to a notice, but it was impossible not to perceive that the notice there required did not refer to the Methuen Treaty, but to the other treaty

then concluded. The second article of that treaty stated, that the High Contracting Parties would proceed to a revision of all former treaties between Portugal and England, and then the parties proceeded to revise the treaties. His Lordship referred particularly to the thirty-second and thirty-third articles, which contained the allusion to the notice, and contended, that these articles related only to the treaties then revised and concluded, and not to the Methuen Treaty. The treaty was in principle perpetual, but the parties were to be allowed to revise it at the end of fifteen years. He contended, that unless the noble Lord could bring the Treaty of Methuen under the operation of that article, which said, that at the expiration of fifteen years the parties should revise the treaty—unless the noble Lord could show that by that article we were bound to give notice to Portugal of our intention to equalise the duties on French and Portuguese wines, he could not make out any breach of faith. The whole subject was one which had not been altogether withdrawn from discussion between the Government of this country, and that of Portugal. The noble Lord argued as if the Methuen Treaty had been one of unmixed advantage to this country—as if it had operated most beneficially, and been the source of reciprocal advantages, and of harmony to both countries, and as if Portugal had gone great lengths in making concessions to us, which she had denied to other Powers, and which we were bound to repay. Had the noble Lord, then, never heard of the Oporto Wine Company? Was that the first night that his Lordship had heard of its effects? He could not suppose that the noble Lord had heard of that Company for the first time that night, or of the remonstrances made against it by the British Government. It was established, he believed, in 1750, and it was, without exception, the most detestable monopoly that ever existed. It was the most injurious and the most pernicious to Portugal, and, at the same time, the most destructive to the interests of those countries whose rights it invaded. The Government of this country at that period complained of the establishment of this Company as flagrantly unjust; they declared, that by allowing it, the government of Portugal had violated all its treaties with this country. He knew that the remonstrances

made with reference to this Company, in 1767, were not sufficient to produce any effect: and it was still in existence, doing all the mischief it could to Portugal, and those who were disposed to trade to that country, by the oppressive rules with which it fettered commerce. He denied that the Treaty of 1810 recognized the necessity of notice being given by this country when a change of duties was intended. In 1813, three years after the signature of the Treaty of 1810, and twelve years before the period arrived when the noble Lord had said notice was required to be given, the then Secretary of State caused a remonstrance to be sent to the Court of Brazil, not only with reference to the infraction of the treaty with Portugal by the Oporto Wine Company, but with respect to several other grievances. He (Viscount Goderich) was a member of the Board when these circumstances were brought before Government, and therefore he could speak the more confidently on the subject. The conduct pursued by the Portuguese government was of such a nature as fully justified the remonstrance which was then sent out. The manner in which every representation relative to the monopoly of the Oporto Wine Company was treated by the Portuguese government at length roused the indignation of Government, and the remonstrance to which he now alluded was, in consequence, drawn up. It set forth, that unless the British merchants were allowed to buy and sell when they thought proper, (which, by the way, they could not do even at the present period), without any hindrance or control on the part of the Oporto Wine Company, according to the plain meaning and intent of the treaty, that then his Majesty's Government were determined to bring into the British Parliament measures to facilitate the importation of wines from other countries, and thus prove to the world, that the Prince Regent would not suffer treaties to be violated with impunity. The last paragraph stated, that the supply of wine was unequal to the demand, and that, under existing circumstances, it would be found necessary to seek for a supply in other quarters, by which means encouragement would be given to a formidable rival of the Portuguese wine-trade. He thought this paragraph so remarkable, that he would read it. It ran thus:—

“It is idle to suppose that these were the real motives which determined the Court of

Brazil not to put an end to this system; and that it is no longer possible for the Court of London to conceal its belief, that the views of interested individuals are opposed to the real interests of the two kingdoms; and that, if persisted in, the British Government will have recourse to that proceeding, which has been threatened—namely, to encourage a formidable rival to the wine-trade of Portugal.”

What, he wished to know, was meant by “a formidable rival?” Most certainly France. It was not Spain, nor Sicily, nor Teneriffe, that was alluded to, but France. Who, he would ask, was the Minister that directed this remonstrance to be made at the Court of Brazil? It was the late Lord Londonderry—who, he was sure, was not a man to betray the honour of his country, or to stain her faith. The noble Lord durst not assert any thing to the contrary. Indeed, it was impossible that the noble Lord could harbour such a thought. The remonstrance was made, too, when the troops of that country (Portugal), united with the troops of our country, under the command of the noble Duke opposite, were planting the standard of victory on the soil of France. The country was entitled to do this. He had stated the nature of the remonstrance—he had mentioned the statesman by whom it was thought necessary, and the circumstances under which it was made; and he had only to add, that the Ambassador who made this declaration sat there, and was no other than the noble Viscount, who now made the charge against the Government for determining to take that step, which he had threatened. [*Lord Strangford* asked the date of the remonstrance, and was answered 1813.] It was then stated, that if the monopoly were not abated, the Government would take strong steps. It was very true, that this threat, had not been acted on, and no redress had been given by the Court of Portugal. If any redress had been afforded,—if the powers of that odious monopoly had been restricted,—then there would have been, perhaps, some grounds for the noble Lord’s argument. But no such thing had been done. The demands of this Government had been resisted, and not the smallest redress had been granted with respect to the monopoly of the Oporto Wine Company. But surely, because Government forbore to do that which Ministers had, in their remonstrance, declared that this

country had a right to do, it was not fair or proper that this forbearance should be turned into a matter of accusation against them. Whether the duties proposed to be levied on wines were right or wrong, he was not called on to argue. He had laboured only to show that there was no foundation for the charge of the noble Lord, who had imputed to the Government a violation of the national faith. He felt strongly on this subject, for he had been many years connected with public affairs without incurring such a charge; and if he were asked, he could, with a firm and good conscience, vindicate his share in the advice given to the Crown on this occasion, as not likely to tarnish the honour of the Government, the honour of the Throne, or the honour of the Country—a charge which the noble Lord had endeavoured to substantiate by inaccurately quoting some parts of the treaties, and omitting to notice the bearings of the other parts. Now that he had set him right, he was convinced that their Lordships would believe that the fair fame of the country had not been sullied in the hands of the present Ministers. In conclusion, the noble Viscount stated, that he had no objection to make to the Motion of the noble Lord, except to the last part, which related to the instructions sent to the commander of his Majesty’s ships at Lisbon. It was unusual to grant such papers, and that part of the noble Lord’s Motion, therefore, he must oppose. There was another part of it—that relating to the information given to British merchants—which he would not oppose; but the Return to it would be *nil*, for it was plain that the Government, when it was about to make financial changes, could not give warning to any of the parties who might be interested, till the changes were brought forward in a regular way.

Lord *Ellenborough* was perfectly satisfied that the noble Lord would be the last man who would knowingly consent to the violation of a treaty; and he was sure that, if what had been done, or was proposed to be done, was against the terms of a treaty, the noble Lord had erred from misapprehension, and not from intention. There was nothing more natural or proper than that the noble Lord with whom the Motion originated should bring the subject forward, as he had himself negotiated a treaty with Portugal; and it was very proper, if he conceived that the proceed-

ings of Ministers were in contravention of any of the articles of that treaty, that he should call for explanation. The noble Lord also felt a strong affection for Portugal, and therefore wished to preserve her connexion with this country, and to maintain the national faith towards her. If there were any doubts as to the construction of the words of the treaty (and the noble Lord opposite had not convinced him that there were not) which seemed to him to demand explanation, he certainly would sooner appeal to his noble friend who introduced the Motion for such information than to any other person. Looking to the words of the treaty, he did not think they had the effect which the noble Lord who spoke last had attributed to them; and he did not think that the noble Lord had acted fairly in complaining that his noble friend had not read the whole of one passage. He, however, admitted that if nothing were to be considered but the Methuen Treaty, there could be no doubt on the subject. But that was not the case. They must look to the 26th article of the Treaty of 1810, which said, "The two high contracting parties agree, that they will forthwith proceed to the revision of all former treaties subsisting between the two Crowns, for the purpose of ascertaining what stipulations contained in them are, in the present state of affairs, proper to be continued or renewed." This shewed that at the period of 1810, all former treaties had been revised, including the Methuen Treaty, which having then been incorporated in the Treaty of 1810, became subject to all its general conditions. Conceiving, therefore, that the Methuen Treaty was incorporated in the Treaty of 1810, and the terms of that treaty requiring a notice before it could be altered, it was not, in his opinion, competent for the Ministers to make any alteration without due notice. Mark the words, "It is agreed and declared by the two high contracting parties, that they shall proceed to the revision," &c. Now this having then been done, and a notice required before any other alterations could be made, as was stated in the 33rd article, a further revision could not be made without a communication being first had with the King of Portugal. It would not otherwise be a revision by the two contracting parties, but the insulated and arbitrary act of one. Then let the noble Lord look to the original treaty as well as to the translation. A word had

been omitted in the translation which altered the meaning. As it stood, it set forth "it is agreed and declared," but the word "however" was left out. It ought to have run thus—"it was agreed, however, and declared, that the present terms of admission of Portugal wines into Great Britain, and of British woollen cloths into Portugal, shall remain unaltered." This was clearly, therefore, included in the other treaty, the articles of which could not be revised and considered without notice. In the 32nd article it was set forth, "that the present treaties were unlimited in point of duration;" and the 33rd clause stated, that "the two contracting parties reserved to themselves the right of altering and amending the treaties at the end of fifteen years." Now it was quite clear that it was unnecessary to reserve the power of altering it at the end of fifteen years, if by any former article the parties had a right to proceed to revise and alter immediately. The noble Lord had read a document drawn up eighteen years ago, in which a complaint was made of a breach of faith on the part of Portugal; and he had argued that the threat implied, and the notice it contained, still had force, and that the Government had a right to act on it. But certainly such a thing was unknown as for a Government to take up a threat, that was thrown out eighteen years before, for the purpose of acting on it. He had no objection to that letter. The grounds on which it was written he believed were just; but he contended that it was not now competent to them to act on that letter. He thought proper notice ought to have been given to Portugal. He did not see that any harm could be caused by the delay in giving notice, for two or three weeks would be sufficient to enable our Government to set itself right with Portugal. To give notice was the more necessary, as Great Britain was a strong Power, and Portugal a weak and feeble one, and, therefore, deserving of peculiar attention in interpreting the treaty. The noble Lord seemed unwilling to enter into a discussion on the policy of the measure, but still he could not abstain from saying a few words on that point. They ought to recollect, that whatever advantage they were likely to gain by this alteration, they were placed in such a situation, that if Portugal pleased, this country might encounter a considerable disadvantage, by the withdrawal of the trade of that country,

Woollens were, he believed, exported to the average annual amount of 300,000*l*. He stated this not as a matter of extreme moment, but merely to observe, that, considering the situation of this trade, it was necessary for his Majesty's Ministers to look to the danger to which they might expose the traffic in woollens by adopting this plan. They ought not, for a supposed and contingent advantage, to hazard the loss of a sure and certain benefit. The object of the alteration, he understood, was to realize an increase of 240,000*l*. a-year. Now he was, certain that such a sum never would be realized, because no importation of Cape wines would ever take place under the duty which they meant to inflict: and the total loss, with reference to that branch of the revenue, would not be less than 176,000*l*. When we proposed to lay a higher duty on an increasing trade—say the wine-trade—we might be safe enough; but when we imposed an augmented duty on a decreasing trade—and such was the trade in Portuguese wines—the case was somewhat hazardous. The consumption of wines had fallen off in the last year to a considerable extent; yet, in the face of this fact, Ministers were about to raise the duty upon all but French wines. With regard to those wines, he admitted, that in consequence of the diminution of duty there might be a considerable increase of consumption; but the question was, whether it would be of an amount to compensate for the falling-off in the import of other wines, and afterwards leave any material balance in favour of the revenue. When, in 1825, the duty was diminished eighty-nine per cent, the import of French wines advanced ninety per cent; but with respect to other wines, where the same diminution of duty was made, the increased importation was only forty-two and a quarter per cent, proving that there was no possibility of increasing their consumption to the extent of French wines, by a reduction of duty. Was it probable, then, that an increase of duty at the rate of thirteen and a half per cent upon Portuguese and other wines, would not go far to counterbalance the advantages to be derived from a decrease of thirty-three per cent upon French wines, particularly when it was considered, that there had been a diminution of 800,000 gallons on the imports of the last year? The noble Lord proceeded to argue that

in the case of a treaty between a very strong and a weak Power, it was necessary to give every little advantage to the weaker party, especially when that party was an ancient and faithful ally, and when the people rather than the government would suffer by an alteration of the treaty. He declared his anxious wish and desire that this country should do nothing to alienate the feelings of Portugal. Here Ministers were attempting to take a course which he feared would produce this effect, and without effecting any good whatever. He apprehended that the result of the alteration would not be of any material benefit to the revenue, while it brought into question the honour and good faith of the country.

The *Lord Chancellor* said, he considered it his duty to the House, to the Government, and the country, when a charge was made involving the good faith of the Government and of Parliament itself (which Ministers were represented as intending to make their instrument in a violation of national honour), under such circumstances, he thought it due to their Lordships, to the country, and to the Government of which he was a member, to rebut the charges. With his noble friend who had defended the measure of his Majesty's Ministers, he would sooner cut off his right hand than be a party to any measure which could be fairly construed as in the slightest degree committing the honour of the country, or of the Crown, the good faith of Government, or of Parliament. And so far from feeling less repugnance to a breach of faith in the case of a weaker Power than in the case of a stronger, he would deem it but an addition of meanness to perfidy, should he break a treaty with Portugal which he would not break with Austria, Prussia, or France. But, it was because he saw no breach of faith in the proposition of Government—because, looking at the treaties as a lawyer, he saw no breach of the articles which they contained (and their Lordships must also, in some degree, look at the treaties in a judicial capacity)—it was upon these considerations, and acting (as he believed) according to the law of nations, and seeing not the shadow of a shade of violation of faith in the matter, that he approved of the proposition of his noble friend, the Chancellor of the Exchequer, and was willing to have the new arrangement of wine-duties laid be-

fore Parliament. But first, as they were upon matter of form and notice (for the noble Lord spoke much of form and notice, although it was a question of strict right between nation and nation), he thought he should not be acting improperly if he claimed a little of that attention to form, to which noble Lords were so attached, on behalf of his Majesty's Government. Ministers were placed in rather an odd predicament by noble Lords; they were called upon now, for the second time since the opening of the Budget in the other House of Parliament, to act on rumours of what had been propounded by his noble friend, the Chancellor of the Exchequer, no part of which was decided on. They were asked to discuss the Budget. This was one of the inconveniences resulting from the course taken by noble Lords—a course certainly not very orderly nor regular. Ministers were charged with violating the treaties with Portugal without due notice. Now (with all due submission to the high authority of noble Lords) he should have deemed it a more fitting occasion to take an objection to the course adopted by Ministers when something decisive was attempted—when a bill was brought in; for till then there could be no pretence of a breach of faith, however well disposed Ministers might be imagined by some noble Lords to be to commit one. The wines of Portugal could not be placed upon a level with those of France without a bill being first brought in and passed. When that bill should be brought in would be the proper time to object to the proceeding; and then noble Lords might say to Ministers,—“Have you given due notice of the alteration to Portugal?” and the question would immediately arise, “Is such a notice due?” He denied the necessity of any notice; but supposing, for the sake of argument, that it were necessary, that an observance of good faith, and a regard for the treaty required it, how would noble Lords undertake to tell him, that during the progress of the bill due notice might not be given? If his noble friend had waited till a bill was brought in, he might perhaps have been able to complain of a want of notice; but now, by leaping in the dark,—and, to use a vulgar expression, before he came to the stile,—the noble Lord had cut from beneath his feet what he deemed his best argument against his Majesty's Government. He must apologize to his noble friend the

Secretary of State for the Colonies (Lord Goderich) for first taking up the parts of the argument which he had so ably treated; but perhaps his noble friend had been so much occupied with the commercial part of the question, that some of the legal part had escaped his attention. He would afterwards direct himself to the economical and commercial part of the subject. What, he asked, was the essence of the Methuen Treaty?—Not that England should, at all times, give an advantage to the wines of Portugal—not that England should not make the wines of Portugal pay as high a duty as those of France; but that, so long as we thought fit to give an advantage to the wines of Portugal, so long should our woollens be admitted into Portugal; and that, so soon as England should think proper to alter this “unalterable” treaty (which, however, it was provided should be alterable) so soon were we to suffer the penalty of losing the market for our woollens in Portugal. But then there was the 26th Article of the treaty, which they were told by the noble Baron, that nobody but the noble Viscount could construe. Now, if any lawyer, or anybody wearing the garb of a lawyer—or even a layman—had, in the presence of his late venerable and learned friend (the Lord Chief Justice of the King's Bench, the father of his noble friend who had made the assertion,) propounded so monstrous a proposition, as that no Member of Parliament was to understand a bill, except the Member who had brought it in; or that nobody could understand a treaty, except the high contracting parties that were bound by it; or the Plenipotentiaries that had concocted it; or the Ambassadors Extraordinary, or the Envoys Extraordinary, or the Secretaries of Legation, or the Clerks of Legation who had signed it—he could figure to himself the utter indignation wherewith that learned and distinguished person would have heard that proposition. But if his departed friend could be made aware that a proposition so strange, so monstrous, had been advanced by his own seed—in his own House, of which he was so distinguished an ornament—in the great Court of Appeal—the highest Court of the realm, in which the noble Members sat as Judges—in which the advancer of the doctrine was himself a Judge—he could not paint in his mind anything like the indignation of the late Lord Ellenborough, since never could he suppose circumstances

under which that noble Lord could be induced to believe in the possibility of such a consummation. Therefore, he begged once and again, to protest against the doctrine. That the noble Lord (Strangford) was the true person to go to, to construe that treaty he did not repudiate; but he paused before he could accede to it. His only exception was—not to say he (Lord Strangford) was not the person—but simply to object to his monopoly in the construing of this article. He (Lord Brougham) claimed his fair share of it as a lawyer and a Member of the House, just as strongly and as pertinaciously as if his name had been signed at the bottom of the treaty, beside that of his noble friend. Now, in the first five-and-twenty articles there was a great change effected in the relations of the two countries, and a regular code of laws laid down, which extended over a vast surface of our commercial concerns. The twenty-sixth had reference to all former treaties, declaring what it was advisable to suppress, and what it was proper to continue. And now, what was the force of the expressions here? He did not mean to rival the noble Lord (Strangford) in understanding the right-hand side of the page—namely, the Portuguese—but still he was not altogether ignorant of it; and, therefore, when the noble Lord took a word out of that side and put it into the other—into the English (a word, of the omission of which he had complained)—he was entitled to offer an opinion. Now, he thought the admission of that word aided him. He did not object to the Portuguese interpolation; for what followed? According to the natural and ordinary functions of that word, it was opposed to what had preceded it. And admitting that this points at the Methuen Treaty, as it has been explained, what had they to read from that? Why simply, that the Portuguese wines should continue to be received at an advantage in England, and our woollens continue to be introduced at an advantage into Portugal, and that the whole system respecting these articles should remain unaltered for the present. Well, then, the argument simply was, that so long as we chose to take the Portuguese wines, so long might we continue to have a market for our woollens; but that if we chose to give up their wines, whenever we did so, it should be on the penalty of forfeiting the introduction of our woollens into Portugal. The alterableness, it would

be observed, was provided for by the Methuen Treaty, since it positively declared, that if we abandoned the wines, we should forfeit the introduction of our woollens. And what, then, did the twenty-sixth Article say? That this arrangement should remain unaltered; or, in other words, that, for the present, the whole Methuen Treaty should remain unaltered. And was it, he asked, no part of that treaty, that we might, if we pleased, increase the tax upon Portuguese wines, upon the penalty of thereby losing the market for our woollens. Yet the noble Lord supported the opinion that the treaty was unalterable—an opinion which no one dreamt of advancing in 1703, or afterwards, until he produced the thirty-third Article in 1810. This Article was to the effect, that the Portuguese were to have fifteen years' notice of an alteration in the arrangement (though all that was said at first was "for the present"); and, moreover, that there should be no alteration without due notice. Now, put the case as if it were not a treaty signed for the high contracting parties by their Ministers Plenipotentiary, Ambassadors, or Envoys Extraordinary, with all the solemnities belonging to a treaty—but simply as an ordinary proceeding in their Lordships' every-day life—a contract of a landlord with his tenant; and then let them see how any man would receive his tenant, or how he (Lord Brougham) representing the steward of one of their Lordships, would receive him, if he came and said, that he (the steward) was a faithless man, because, having given him his land at a rate of, say 100*l.* a year, to be held from day to day, the rent to remain unaltered for the present, he had, after a lapse of twenty-one years, raised it to 120*l.* How would he receive that tenant, if he came at the end of twenty-one years to accuse him of a breach of faith for having altered his rent? He might represent that twenty-one years was a long "for the present;" but still the tenant, not content with this, claimed fifteen years' notice. But was this the bargain? When the declaration was, the arrangement should be unaltered, for the present, they construed it into a period of fifteen years, although England was enabled, by the terms of the treaty itself, to abandon the Portuguese wines whenever she pleased, simply on the penalty of losing the Portuguese market for her woollens. He really was ashamed to delay their Lordships so long upon a ques-

tion so obvious. The noble Lord who introduced this matter had earnestly declared, that the bias of his mind was not in the least to create embarrassment to the Government. His noble friend said, he would not embarrass the Government, and he did not break his promise. It was a customary thing for noble Lords and hon. Gentlemen to make such professions and promises, when they were at the same time minded to do the Government all the mischief in their power, and to occasion it all possible embarrassment; but his noble friend had been as good as his word, or, indeed, he had been a great deal better; for he did not say or do anything to embarrass the Government in the least. He believed that his noble friend, although using a customary phrase, was perfectly sincere in the declaration it embodied; and even if he originally had the intention of wandering from this pledge, his natural love of good faith overcame him, and he rigidly adhered to it, so that he did consequently sit down without embarrassing the Government in the slightest degree. He would now himself make a promise, that, like the other to which he alluded, was as often broken as made. He would not trouble their Lordships with many words. Having sat there since ten o'clock that morning, he was something in the same predicament with his noble friend. If he wished to break his promise, he was hardly capable of doing so. He could not, however, pass over what had been said by the noble Lord (Ellenborough), touching economy, and our commercial interests, and this without any notice. First, however, let him remark, that the noble Viscount (Strangford) had advised the maintenance of old arrangements, as well as a matter of policy as for the commercial advantages. And in advocating these principles himself, his noble friend had quoted the great authorities of Mr. Fox, and of the noble Earl at the head of the Government; and after expressing his great satisfaction and perfect conviction, derived from merely reading the passages he had quoted, he had adopted the language of the second orator of the world in speaking of the first, and asked "what would have been the effect on their Lordships had they heard the orator himself." "*Rogatus à Rhodiis legisse fertur orationem illam egregiam, quam in Ctesiphontem contra Demosthenem dixerat: qua perfecta petiitum est ab eo postredie, ut legeret illam etiam, qua erat*

contra a Demosthene pro Ctesiphonte edita: quam cum suavissima, et maxima voce legisset, admirantibus omnibus. Quanto inquit magis admiraremini, si audissetis ipsum." He could not admit that the cases were parallel. Æschines read the oration, as the story ran, but how? *quam cum suavissima et maxima voce legisset*; and here the parallel failed if the noble Viscount meant (and otherwise his allusion was in no wise intelligible) if you are all thunderstruck by my great exhibition: but what would it have been if you had heard Demosthenes himself—" *si audissetis ipsum*?" But he (Lord Brougham) by no means acknowledged the parallel. He was neither enrapt in a trance of wonder, nor lost in a rapture of admiration—he had neither been thunderstruck at the original oration nor overwhelmed by the quotation. With Mr. Fox and the noble Earl he did not feel himself strong enough to grapple; but he most assuredly did feel himself strong enough to grapple with the edition of them he had heard that night. He did not mean to undervalue the noble Viscount's rhetorical powers, but he must say, that his quotations from Mr. Fox, and from the speech of his noble friend, retailed, abridged, and curtailed by the noble Viscount, had not satisfied him that the preservation of the Methuen Treaty, and the ruin of the trade with France, were inestimable benefits to the country. He too, however, had opposite authorities, and could adduce, on this occasion, the testimony of Doctor Smith and Mr. Pitt—the master and the pupil. He sheltered himself under these, to escape other authorities. Doctor Smith quoted the Methuen Treaty, as an instance to shake the reverence of such treaties. He took it as one of the worst of the class, and, as such, puts it into his book. And Mr. Pitt, in 1786 (who in this matter, although not in others, was the pupil of Dr. Smith), brought in a measure to repeal the Methuen Treaty, and put the wines of France and Portugal upon a similar footing. He gained his point, after a manly struggle; his measure like other excellent measures before and since, having been opposed by the clamour of mercantile speculators. Upon that occasion, though statesmen have too frequently suffered themselves to be foiled by such a clamour, it chanced that the interests of the public—of the landowners—of the consumers—

and of the country, were not sacrificed to the clamour of the Portugal merchants. That authority he conceived, therefore, was all in his favour, though the advantages of the commercial treaty, then concluded with France, were soon put an end to by the war. But greater than these authorities, and greater even than Plato and Socrates thrown into the scale, he had the authorities of truth and reason, and on these he would take his stand. Look at the difference between that day and the present. What was the temptation to the Methuen Treaty? Was it not the notion that the Brazil gold came over to Portugal, and that only through Portugal could we get our share of it; and, therefore, all sacrifices were to be made, to enable us, by the sale of our woollens, to draw some portion of this gold from Portugal. Now, to make this attack on the Government to-night, all the exploded doctrines of the olden time were revived—not, however, for the purpose of embarrassing the Government, for, God wot, little able to stand would be that Government, which was embarrassed by the hostile array of such doctrines—the pick and choice of the exploded errors of the worst school of commercial policy. In 1703 these arguments were weak and ludicrous enough, Heaven knew; but to have them again dragged forward to the light of day in 1831, was literally astounding. “Trim the balance of trade,” said our ancestors, “whereby you can bring here the Brazil gold, which you can get alone from Portugal, and without which you can do nothing. Get the gold—never mind trade—never mind employment—never mind commerce—go to Portugal—get the Brazil gold at any sacrifice—Portugal is the only place from whence you can get this gold, and the only way in which you can get it thence, is by carrying this treaty. Conclude it, therefore, at all sacrifices—at that of common sense amongst the rest—and let your woollens be sent forth to extract this Brazil gold from Portugal.” This was the argument advanced in all the contemporary histories and annals, which had been combated and overthrown, as he had stated, by Dr. Smith. Grossly inconsistent—flagitiously inconsistent with the interests of the State, and the dictates of common sense, were the doctrines whereon the treaty was supported in that day—what must they be in 1831? Unfortunate, most unfortunate were the men, who

had to maintain these doctrines in that day; how much more unhappy and unfortunate were the men who had to maintain the same in this day—for the labourers were called upon to make bricks without straw—when Brazil no longer belonged to Portugal—when we go out at once to Brazil, carry our woollens thither, and get the gold from thence. Miserable and hapless, he repeated, were the men who, in 1703, had to maintain these arguments, but infinitely more miserable and hapless were they, who, in 1831, had the same to do, when events and changes had cut every inch of ground from under their feet. Next, as to the equalization of the wine duties, the noble Lord (Ellenborough) said, “Look well to this matter; are you not aware that the consumption of French wines is increasing, and what may not be expected if you are still more to lower the duties?” He did not know if the noble Lord had agreed with his noble friend in not wishing to embarrass the Government, but certainly, if he had made himself a party to the promise, he had most faithfully kept his word. Perhaps, like his noble friend, the noble Lord might not have been able, had he been willing—there certainly was some confusion in his own camp—amongst his own array of arguments, and, indubitably, all that he had done was, to give Government the most complete support; for if he were to select one favourite—one pet fact—if his noble friends on the opposition benches, who had formerly been Chancellors of the Exchequer, First Lords of the Treasury, and Presidents of the Board of Control, and who now, to meet premature discussions of the Budget, were compelled to cast a retrospective glance upon their labours in the other House, and endeavour to revive their financial lore, were to do so—it was impossible, when a tax was to be taken off, to select a stronger fact in favour of further reduction, than the fact, that a preceding reduction of duty had been followed by an increased consumption. In these cases it had always been the rule, to draw their arguments for the future from the experience of the past. That many persons preferred Port at present could not be denied, but he could not help thinking, cheapness had more to do with this than predilection; for undeniable it was, that the French wines were at once more palatable and more wholesome. But in all this the noble Lord (Strangford)

suspected there might lie something of a political nature lurking below—that they wanted to curry favour, or to coax the French government, and turn our backs upon the faithful government of Portugal; and yet, let it be remembered, that in 1811, 1812, and 1813, this faithful government was the first to break faith with us, and thus, if we had so pleased it, to release us from our engagements. Now, as to France; he certainly considered, that governments ought to act openly, honourably, and sincerely, and avow manfully the principle on which they proceeded; but here, looking to this charge, that they were paying particular court to France, he saw nothing whereon to fix the slightest blame. If they proceeded upon the true principle in the measure—if they promoted the comfort and happiness of the people, and the interests of trade and commerce—if there were no breach of treaty, no error of judgment, no fault of policy—if, in improving our domestic regulations, the measure was as favourable to trade as to the interests of the community—he confessed he had not that Spartan virtue to reject it, merely because it happened to have amongst the rest, the fatal, the terrible, the never sufficiently to be reprobated tendency of consolidating the good understanding which prevailed, and, thank God, it did prevail, between France and this country. He wanted no argument but that furnished by the noble Lord, to confirm him in his approbation of the measure, and to render his position impregnable. The Methuen Treaty was entirely a political one, created and defined by mercantile politicians. Much had been said about the change of things in France since the period of that treaty, and of the difference between the situation of the world in 1703 and 1831. The Bourbon times had been highly lauded in contradistinction to those of regenerated France; but in the Bourbon times, so far as regarded good feeling and amicable disposition to this country, he must take leave to differ widely from the noble Lords. Those times might have been better for France than the present, as she was now labouring under the evils of a necessary regeneration;—they might have been more glorious for France, in the dread season of warfare—including Blenheim and Malplaquet, and a throng of other foreign triumphs;—the French people might have cast away the brightest jewel of their crown; they might have

won a mighty name, and an illustrious character, by the labours of a series of ages, only to forfeit it with their lost princes;—they might have, in banishing their mild monarchs, blindly deprived themselves of triumphant leaders for the people in war, and wise and intelligent and beneficent rulers in peace, great generals, and skilful negotiators; but he humbly ventured to submit, that the conduct of the Bourbons, in respect of the Methuen Treaty, and in the American war (he would go no lower down), proved, that whatever France and Europe might have lost by the expulsion of the Bourbons, that at least England had lost nothing by the substitution of one branch of the House of Bourbon for another; or the substitution of a constitutional for an absolute monarchy. In conclusion, he repeated the assertion, that there would be no stain left on the honour of the country by the proposed alterations.

The Duke of *Wellington* said, one would certainly imagine, by the opinions of the noble and learned Lord, that the Government had intended no breach of faith, and also from the noble and learned Lord's speech, at the same time, that Government really was embarrassed by his noble friend's motion. For no lawyer ever took more pains than the noble and learned Lord, to prove to their Lordships that his construction of the treaty was correct. He would do the justice to the Ministers of believing, that their intention was, not to commit a breach of faith; his opinion was, that they had neglected to advert to the treaty, as they had to many other things, in their anxiety to bring on questions at an early period. He agreed with the noble and learned Lord, that the Methuen Treaty was revocable under the penalty he had stated. In this the words bore him out; but when they came to the 26th Article, they found the words alluded equally to political and commercial treaties as requiring revision. Then it was, that new stipulations were made as to the article in the Methuen Treaty, by which Portugal wines were taken into this country at an advantage, and our woollens introduced into Portugal; and it was agreed, that this arrangement should, for the present, remain unaltered. But now what did the thirty-third Article do? It decidedly made a new stipulation respecting wines and woollens. According to the 33rd Article of the last Treaty, he

maintained, that it placed the two countries in precisely the same relation as the Methuen Treaty had done; but it also compelled one to give the other notice, before the commercial duties in either were altered. It had never been asserted that his noble friend, who had brought the subject under the consideration of the House, was the sole judge of the meaning of the treaty; all that had been contended was, that as he had been the negociator of the treaty, he was no bad judge of its meaning. And what did his noble friend say? That the thirty-third article was inserted, in order to satisfy the Portuguese government that the treaty should not be put an end to, until it had been fairly reviewed. It had been allowed on the other side, that there was some doubt if notice ought not to have been given of the determination of the English Government to put an end to the treaty. Why, then, had not that notice been given? It was said, that the resolution to admit the wines of France at a reduced duty was taken, not to punish Portugal for any breach of faith, but as a measure of finance. It also came before their Lordships as a great question of political economy. He could not follow the noble Lord opposite through his calculations. His noble friend did not dispute, that the measure might effect some increase of the Revenue. What he said was, that the loss upon the Cape wines, deducted from that benefit, would render it not worth any trouble. The loss on the Spanish and on the Rhenish wines was also to be considered. As a financial measure, therefore, there was nothing in it very desirable. But not to dwell upon that, how did it stand as a commercial measure, and as a measure of political economy? Let their Lordships consider the measure as connected with Spain. The exports from this country to the whole of the Peninsula, were greater in amount than those to any other country in Europe, without exception. The exports from this country to the whole of the Peninsula, amounted to a fifth of the exports to all the various parts of Europe. And now this rising commerce was to be risked—for what? For an increase to the revenue of at most 100,000*l.* We were about to sacrifice the trade with the Peninsula, which was worth annually 6,000,000*l.* to the trade with France, worth only 525,000*l.*, or a twelfth of that amount. There was another view

of the question, which, he confessed, appeared to him to be the most important of any; he meant the political view. He had frequently heard the noble Lord opposite maintain, that this country could not value the friendship of Portugal, and a free admission into the Tagus, too highly. In reference to Ireland especially, he remembered that a noble Baron opposite had expressed himself most strongly, with regard to the advantage of maintaining our friendly relations with Portugal. Unfortunately, the great measure which he had had the honour to propose to their Lordships two years ago, had not answered so as to produce, he would not say all the advantages which he expected from it, but all the advantages which the warmest friends of that measure expected from it. The agitation of that question was over; but, to use a vulgar expression, a new hare had been started, and it might be long before it would be run down. He wanted to know, whether during that period the friendship of Portugal, and our amicable reception in the Tagus, would not be as valuable as during the existence of that agitation which was terminated three years ago? If so, let their Lordships turn their attention to the wording of the treaty with Portugal; let them listen to his noble friend's statement of the importance attached in Portugal to the wine trade with this country. He would not discuss the question with any reference to considerations connected with the Portuguese royal family—with Don Miguel or Donna Maria. He would not attempt to embarrass his Majesty's Government by any such allusions. But leaving those considerations entirely out of the question, he maintained, that, under existing circumstances, the friendship of Portugal, and our reception in the Tagus, were of the utmost importance; and that if we exchanged these advantages for an increase in the revenue of 100,000*l.* we should make a gross political blunder.

Lord King had listened with no slight disturbance of his risible muscles to the funeral orations of the noble Viscount (Strangford) and the noble Duke (Wellington) opposite, over the lately-departed —no, not actually defunct, but *in articulo mortis*, and ever-to-be-lamented — Methuen Treaty. Of course the sorrow was most deeply felt, and had no hypocritical reference to self. Nobody said, "What will become of us? The Methuen Treaty

is about to be repealed, and the glory of old Port, and still older prejudices, is about to depart for ever. What, in the name of the good old times, do these liberal Ministers mean to do next?" Of course the observations of the noble Duke, and the noble Lord opposite, were not at all meant to embarrass the Government. Oh, no: all they meant was, to sing a *Te Deum* over the Methuen Treaty; and, as at the wakes in Ireland, if any row sprung up at the funeral, it was not their fault, nor meant at all to embarrass the proceedings. After the example of the noble mourners, the next party their Lordships would have complaining of the direful consequences of abrogating the Methuen Treaty would be, the commercial interest—then the colonial—then the shipping—then the lead, if it has not complained already—then the barilla—and, last of all, the band of Gentlemen Pensioners, lamenting the good old times as never to return. "But," says the noble Lord, "recollect the amount of British capital that has been expended on the faith of the Methuen Treaty." Agreed; but was that capital, in a national point of view, well employed? Were we not, in fact, paying a monopoly price for wines, which, but for that pernicious monopoly, we should be receiving on much more mutually advantageous terms? Then they were told, that they were giving up the large trade we already possessed with Portugal, for the sake of France, with which we held but a very limited commercial intercourse. This was all very true, and he was sorry for it. But the reason was, the very mismanagement of our trading regulations, the removal of which was then the burthen of the noble Lord's complaint. Let them remove the mischievous shackles which a short-sighted jealousy had imposed upon our trade with France; and they would find that our imports and exports to and from that country, would be an annually increasing important item of our fiscal revenue.

Earl Stanhope was not one of those who would support the noble Lord's Motion with a view to embarrass the present Government. Indeed, such a project would be nugatory under the present mechanism of the two Houses of Parliament, whose base servility was such that they would support every measure of every administration, be it of what nature it may, and they who they may, that was sub-

mitted to their notice. The only remedy for such a corrupt constitution of Parliament was the proposed Reform measure of Ministers, which he should support, were it only to put an end to the system of obsequiousness to the will of the Minister for the time being, to which they might ascribe so many of the evils the country was labouring under. Among these evils, he ever was, and he was sure ever should be, of opinion that the return to a gold currency under the existing circumstances of the country was one of the most pernicious. The noble Earl proceeded to say, that the advantage of the intended measures of Ministers would be wholly on the side of France, who were bent on refusing to admit our goods into their markets. Let them establish a *bona fide* commercial reciprocity between the two countries, and he would not complain,—on the contrary, he should rejoice; but let them not have a reciprocity all on one side, and that not the British side of the intercourse. It was true, as had been alleged, that Mr. Pitt did in 1786 announce his intention to abrogate the Methuen Treaty; but it was on the ground that he should bring forward instead a much more extensive measure, under which we should enjoy much more extensive advantages. If such a measure was proposed now, he would support it; but as no such measure had been submitted to them, but on the contrary Ministers were framing one of a very different tendency, he would give his vote for the noble Lord's Motion. Indeed, had they a reformed Parliament at this moment, Ministers would not have ventured upon such a measure as their present infraction of the Methuen Treaty; but, as he said before, the only remedy, not merely for the well-being but the actual existence of our institutions, was a proper Reform in the representation of the people.

Earl Grey felt, that at that late hour, and after the question had been so amply discussed, an apology was due to their Lordships for troubling them at all. But as his Majesty's Government were arraigned for a breach of faith, which the noble Duke opposite also characterised as a gross political blunder, he must trespass upon their attention for a very short time. He would not follow the noble Earl who had just spoken in his discussion of the question of Parliamentary Reform. On that question his opinions were well known. The manner in which those opinions were

supported by acts would be known in a very few days, and then would come the proper opportunity to discuss the subject. The noble Earl had talked of the base servility of Parliament, and its indisposition to embarrass his Majesty's Government, of whomsoever it might be composed. The moment which the noble Earl had chosen for this remark was rather an odd one, when so few months had elapsed since the decision of Parliament had placed the noble Duke where he now was, and had raised him (Earl Grey) to his present situation. The noble Duke charged his Majesty's Government with a great error in policy. He was one of those who thought with the noble Duke, that it was highly desirable to maintain friendly relations with Portugal. But why was the present proceeding to preclude this? He by no means conceived that Portugal would sustain much injury from the relinquishment of the treaty. The addition to the duty on Port-wine was so small, that he doubted if it would materially affect the consumption in this country. The trade with Portugal had, for some time, been diminishing, in consequence of the vexatious conduct of the very Oporto Company, the existence of which was a breach of the treaty. When the treaty was put an end to, therefore, he could not see why the relations of commerce and politics should cease between the two countries. He was not prepared with documents to show the effect of the new regulations, if they should be adopted; but he believed, that the noble Duke and the noble Lord were mistaken in supposing that they would reduce the advantages of our trade with Portugal so low. In his opinion, the revenue would be increased by them considerably for the two next years, and much more thenceforth. He was persuaded that they would open a great advantage to the general commerce of the country. But the noble Duke said, that we were risking, not only our commerce with our ancient ally, but our commerce with the whole Peninsula. How, he did not know. Our communication with the Spanish ports was direct. The noble Lord said, that if the Methuen Treaty stood alone, there could be no doubt that we should be warranted in doing what we had done. The question, therefore, was, whether by the Treaty of 1810 such an alteration was made in the Methuen Treaty as deprived us of the right which by that

Methuen Treaty we enjoyed? The Methuen Treaty remained unaltered by the subsequent treaty, to which the noble Lord referred, and we retained all the rights under it which we had before. How it had been qualified by that treaty would be best discussed when the measure came in a proper shape before them. But it had been said, that the best expounder of a treaty was the maker. The arguments, however, of his noble and learned friend upon the Woolsack were triumphantly conclusive upon this point. It was said, that the persons who concluded the Treaty of 1810 must be presumed to be the best expounders of it; but their Lordships ought to bear in mind, that upon that principle there were two expounders—namely, the Minister of Portugal and the Minister of Great Britain. Both might differ, and it was very certain that they did differ, upon its merits. Referring to the despatches of the British Minister on the negotiations carried on with the Portuguese government, concerning the treaty of 1810, he must state that, for the honour of the country, he felt ashamed of the system of British diplomacy adopted on the occasion. The course of the negotiations was one which he thought no noble Lord could sanction; yet among their Lordships, and in a person who assumed to be a chaste model of all that was pure in diplomacy was found a supporter, a defender, and a champion of this negotiation. He repeated, that a course of diplomatic proceedings of this nature deeply involved the honour of the country. He contended, that the measure which had called forth so much severe comment was no breach whatever of the Methuen Treaty. The complaints made in the first instance had never ceased, for the vexations of the Oporto Company had still gone on increasing. The time would shortly come when perhaps he should go further into the subject, as regarded its bearings on the general interests of commerce. For the present he should only contend, that his Majesty's Government had a strict right to do what it was doing, and he was prepared to prove that it would be attended with no danger whatever to our intercourse with Portugal. He had no objection whatever to grant the first three papers moved for by the noble Lord, but the fourth document he could not grant, nor indeed could it be demanded upon any ground of delicacy or propriety. It must

be obvious to the noble Lord, that a proposition calling for copies of instructions given to the commander of his Majesty's ships in the Tagus could not and ought not to be acquiesced in.

Lord *Strangford* regretted exceedingly that the noble Earl should have felt himself ashamed of the diplomacy of England, as exercised in his person. He would ask the noble Earl, what it was he really meant? All the noble Earl had said upon this point had no more to do with the diplomacy of 1810 than with any ordinary topic that came under their Lordships' consideration. It was not correct to state that he had not done all in his power to induce the Portuguese Minister to agree to a revision of the Methuen Treaty. He could not help complaining that his noble and learned friend on the Woolsack had been all through his speech fighting against shadows, which he himself had raised. He would call upon his noble and learned friend to state what it was that he (Lord *Strangford*) had said in praise of the Bourbons. He had not said one word in praise of them; on the contrary, his remarks were in direct reprobation of their conduct. "My noble and learned friend," continued the noble Viscount, "ought to recollect the close friendship and intimacy that subsisted between us twenty-five years ago, when we were brother Secretaries together at this same Court of Lisbon, on which so much has been said to-night, when we lived together like Helen and Hermione; and I am not a little surprised that he should now turn round and visit with his condemnation those principles which he himself held in the days of his innocence and youth. Entertaining, however, such an opinion of his consistency, I should not be surprised in finding (should he and I live so long) that in 1857, twenty-six years hence, he supports the same opinions, with regard to the sugar-growers of the West Indies and wine-growers of Portugal, that he did in 1806.

The *Lord Chancellor* explained. He did not impute to his noble friend any particular affection for the Bourbons. He had only remarked on the different light in which his noble friend looked upon the government of the Bourbons, as contrasted with the present government of France. He could not be charged with inconsistency, either upon questions of colonial or general policy, merely because he happened to feel less apprehensive now of the

consequences which might result from the abolition of negro slavery than he had been twenty-six years ago.

Motion, with the exception stated by Earl Grey, agreed to without a division.

HOUSE OF COMMONS,

Monday, Feb. 21, 1831.

MINUTES.] New Members sworn. Hon. J. S. WORTLEY, for Bossiney; and Sir W. HORNE, for Bletchingley.

A new Writ was ordered for Wigan, in the room of J. A. HODSON, who had accepted the Chiltern Hundreds.

The Committee appointed to inquire into the Election for the Town of Wexford reported, that Wm. WIGRAM, esq. was not duly elected, and that Sir E. C. DERING ought to have been returned. Clerk of the Crown ordered to amend the Return.

Bills. The Colonial Trade Bill was read a second time. Heritable Infefments Bill was read a second time. The Exchequer Bills Bill was read a second time. A Bill to amend the 6th of his late Majesty (the Bankrupt Acts) brought in and read a first time. The Select Vestries Bill was read a second time.

Returns ordered. On the Motion of Mr. HUGHES HUGHES, the particulars of all applications made to his Majesty's Commissioners, appointed by virtue of the Act 58 Geo. 3rd, c. 45. for building, and promoting the building, of additional Churches in populous parishes; for their assent to the building and endowing of Churches or Chapels, under the 3rd section of the Act of 7 and 8 Geo. 4th, c. 72, specifying those which have been complied with, and the conditions of compliance, and those which have been refused, with the grounds of refusal:—On the Motion of Mr. LAMB, the quantity of Sheep's and Lamb's Wool imported into Great Britain between 5th January, 1850, and 5th January, 1851, specifying the Countries from which it came, the quantity that has paid a Duty of 1*d.* per pound, and the quantity that has paid a Duty of $\frac{1}{2}$ *d.* per pound; also, the quantity of foreign Wool which has been re-exported during the same period, and the Countries to which it has been sent, and the quantity remaining Warehoused under Bond on 1st January last; also, the quantity of British Sheep's and Lamb's Wool, exported from Great Britain between 5th January, 1850, and 5th January, 1851, specifying the countries to which it has been sent; also, statement of the number of Houses in each City, Borough, and Town, in England and Wales, sending Members to Parliament, and the greatest number of Electors polled at any Election within the same, at any period during the last thirty years, so far as the same can be ascertained from the returning officers.

Petitions presented. Against the Tythe System, by Sir W. FOLKES, from Walsoken, and other places in Norfolk:—By Lord EBRINGTON, from the Agriculturists of South Moulton, and the Parish of Bradford, Devon. By the same noble Lord, from Navan, for the Repeal of the Vestries (Ireland) Act; from the Candle Makers of Plymouth, for a continuation of the License to make Candles; from Collumpton, complaining of the low rate of Wages in the Cloth Manufacture, and asking Relief. By Mr. HART DAVIS, from Bristol, against the alteration in the Timber Duties; and from the Ship-owners of the same place, for a Reduction of the Duties on West-India produce. By Mr. B. HOR, from the Isle of Wight, against the proposed Tax on Steam Vessels. For a General Fast, by Lord BERNARD, from Iver:—By Mr. A. DUNCOMBE, from East Retford. By Mr. SHAW, from the Bankers and Merchants of Dublin, praying that, whatever measure might be adopted for the Abolition of Negro Slavery, due regard might be had to existing interests; from the Calico Weavers of Dublin, praying for a Revision of the Duty on Cotton; from an individual named Hamilton, against the practice of Duelling; and from the Corporation of Smiths of the City of Dublin, praying that a Session of Parliament might be held in that City every third year. For the Abolition of Slavery, by Mr. JOHN WOOD, from Clithero, and various classes of Dissenters at Wigan. By

Mr. S. RICE, from Limerick, against the Drawback on Soap; and from Carrobrow, against further Grants to the Kildare-street Society. For a Reform in Parliament, by Mr. BENETT, from Devizes:—By Mr. HODGES, from Bromley, Whitstable, and the Lathe of Aylesford, Kent; and from Leeds, Kent, praying for a Repeal of the Union with Ireland.

[The hon. Member said, that he concurred in the prayer of all these Petitions, with the exception of that which called for a Repeal of the Union.]

By Mr. FYSCHÉ PALMER, from Reading, for Reform; and from the same persons, against the House and Window Tax.

BANKRUPT LAWS.] The Sheriffs of London presented the Petition of the Lord Mayor, Aldermen, and Commons of the City of London, in Common Council assembled, praying for an amendment of the Bankrupt Laws.

Mr. Alderman *Wood* supported the petition, and represented, that the abuses of the present system called loudly for a remedy. The manner in which accounts were kept tended to gross frauds. Seventy Commissioners made a bad Court, and there was not a merchant or trader in the city of London who would not rejoice to see it abolished. Among the Bankruptcy Judges there should be at least one mercantile man; for the decision of the questions which came before them rather required a knowledge of business and accounts than of law. He hoped to see a speedy reform.

Mr. Alderman *Waithman* also supported the petition, and condemned the expense and abuses of the present state of the law. It was not the Corporation of London alone who complained of the evil, but the whole country felt the necessity of a change. The number of sinecure offices, now connected with the Court, yielded at least 6,000*l.* a year, and it ought to be reformed, if it were only to get rid of them.

Mr. *J. Smith* was glad that the matter had been taken up in the way it now was, and hoped, that before the end of the Session there would be an alteration of the law. The number of Commissioners ought to be reduced, and the Court ought to sit continually.

Mr. *Warburton* said, that nothing could be worse than the present system. Of twenty-three lawyers who had given their opinions before the Committee of which his hon. friend opposite had been Chairman, and before the Commissioners of inquiry, one only had been in favour of the existing system. The primary tribunal

and the court of appeal were equally unsatisfactory. They provided the maximum of expense and delay, and the minimum of justice.

Mr. *O'Connell* said, that only one system could be worse than the present Bankrupt-laws in this country, and that was the system which prevailed in Ireland. He did not, however, agree in the opinion, that the Judges of the Bankrupt Court should be merchants; no man could make a good Judge who was not acquainted with law.

Petition laid on the Table.

Mr. Alderman *Thompson* presented a Petition to the same effect from the Bankers, Merchants, and Traders of the City of London. The Lord Chancellor was about to bring in a bill on this subject, for which he felt bound, on behalf of these petitioners, sincerely to thank that noble and learned Lord. He understood that the principle of that measure was to be, that there should be one Court, sitting from day to day, for the despatch of business. Whether there ought to be one Judge, or three, or five, he did not now offer an opinion, but he had no doubt the alteration which was to be made would be for the better. The present expense of the Bankrupt Court exceeded the expense of either the Court of King's Bench or the Common Pleas, and nobody could for one moment think of depreciating the utility of these Courts, by comparing the business they transacted to the business of the Bankruptcy Commissioners.

Petition to lie on the Table.

PARLIAMENTARY REFORM. — SITTINGS OF THE HOUSE.] Mr. *J. Wood* said, he had three very important Petitions to present, praying for Parliamentary Reform. The first was from Downton, in Wiltshire, and the petitioners stated that the whole of the electors of that borough consisted only of six individuals, who were tenants of one noble Lord, and that, on the day of election, the practice was, for his Lordship's agent to go round with a bag of parchments, which were distributed among the parties to ratify their qualification. Having served this purpose, the parchments were re-deposited in the bag, and carried away by the agent. This constituted the whole of the proceedings. The next Petition was from the inhabitants of Stockport, in

Cheshire, and they stated, that within a distance of twenty-five miles around them, there was a population consisting of no less than 900,000 souls, all of whom were without Representatives. The third Petition was from Rochdale, and was very numerously signed. The individuals from whom this petition came expressed an opinion, in which he entirely concurred—namely, that whatever measure of Reform might be brought forward by his Majesty's Government, it must be ineffectual and unsatisfactory, unless it embraced Vote by Ballot.

An hon. Member said, that, at a public meeting, recently held in Berkshire, the Earl of Radnor had expressed himself most anxious that his patronage should be taken away from the borough of Downton.

Mr. J. Wood said, he entertained the highest respect for the Earl of Radnor, and he was far, very far, from imputing any blame to that estimable nobleman. The system was what he blamed, and not the individual.

On the Motion that the Petitions be printed,

Mr. O'Connell complained of the extremely late hours to which the sittings of the House were prolonged. It was utterly impossible, with such a practice, that the public business could be properly gone through; and, therefore, it was his intention to move, to-night, that the House should adjourn at half-past eleven unless an understanding were expressly come to, that they should rise at twelve, at the latest.

Mr. H. Gurney was of opinion, that no business could be gone through if hon. Members persisted in the practice of making speeches, upon mere incidental questions, upon the presentation of petitions. The modern practice of doing that was the cause why the House was able to transact so little real business.

Mr. Alderman Waithman thought, that nothing interfered so much with the public time as the practice of making long speeches on the presentation of petitions.

Mr. O'Connell repeated what he had already stated, and observed at the same time, that, in future, hon. Members would be deterred from filling the Chair, if they were detained in it to endure a fatigue which must wear out the most robust constitution.

Sir M. W. Ridley said, the House possessed sufficient power to prove to the

hon. member for Waterford that it disregarded his taunts and threats of interruption. If the hon. Member persisted in the course he proposed, he (Sir M. W. Ridley) hoped to see him speedily defeated by a Resolution of the House.

Mr. Hume felt quite surprised at the tone in which the hon. Baronet spoke, as there was nothing whatever to call for it in what had been said by the hon. member for Waterford. His own opinion was, that no public business could possibly be well done after twelve o'clock, and, therefore, if an adjournment was moved, he should certainly support the proposition.

Mr. W. Duncombe must protest against the manner in which this discussion was provoked by the hon. member for Waterford, at an hour appointed for the reception of petitions. If the hon. Member desired to put the question to the test, his proper course was, to bring it before the House in a regular manner.

Mr. Hunt said, he had no idea that he, and others who agreed with the hon. member for Waterford upon this subject, should be thus lectured with regard to it. He had no idea that Standing Orders should be kept up if they were not observed. If that were not done, it would be better to get rid of them altogether. The complaint about long speeches came with a very bad grace from the hon. Alderman. He (Mr. Hunt) was present the other night when the hon. Alderman made a long speech which drove nearly all the Members out of the House. He certainly would support the motion for an adjournment at twelve o'clock.

Mr. Warburton suggested, that the further discussion of this question should be postponed.

Petitions to be printed.

SUPPLY.] On the Motion of Lord Althorp, that the House should resolve itself into a Committee of Supply,

APOLOGY FOR THE USE OF AN IMPROPER TERM.] Sir J. Graham said: although, Sir, there is this pressure of public business, I feel myself unwillingly obliged to intrude upon you a subject of a private nature; and perhaps the House, when they come to learn the reason of my doing so, will be inclined to pardon me. I am the more reluctant to do so, as the subject has reference to a preceding debate. It will be in the recollection of hon. Members, that on a former evening, in the heat of

an extempore address to the House, I used the word "demagogue." That word has given offence to an hon. Member, and he has sent to ask me whether that word was meant to apply to him. Consistently with truth I am able to state, that at the moment when I used that expression, I did not use it with reference to the hon. member for Clare, he being the individual who has asked me to state whether the expression was meant to apply to him. At the moment I used the expression, he was sitting behind me, I was not aware that he was in the House at the time, and I can conscientiously state, that I did not know he was present, and did not intend the word to apply to him. So far, Sir, I have stated in compliance with the wish of a noble friend. I will now, on my own part, say a few words with reference to another hon. Member; I did use the expression complained of with reference to another hon. Member, whom I now see present, and I now wish to say, that when I recollect he was not then present—when I recollect the declaration he once made—a declaration that ought to make him more cautious in his language towards others, and to make others more cautious in their language towards him, and more especially when I recollect the situation in which that hon. Member now stands with regard to the Government, I frankly and fairly confess, that I am sorry I used that expression.

Mr. *H. Davis* reminded the House that immediately after the expression had been used, the right hon. Baronet declared that he had used it in the heat of debate, and not with reference to the hon. member for Clare, who then complained of it.

Mr. *O'Connell* said, that he was most unexpectedly and unnecessarily adverted to by the right hon. Baronet. He did not think that what the right hon. Baronet had said respecting him ought to have been said under the semblance and guise of an apology to another. He utterly denied that he had ever made use of any language, either there or elsewhere, except such as a Christian might have uttered, or a man might be prepared to vindicate, in the sincerity of truth. The right hon. Baronet had alluded to the situation in which he (Mr. O'Connell) stood in reference to the Government. He would take good care, however, to be early in his attendance in this House, with a view of having that situation

clearly understood, for a great deal of misconception prevailed with regard to it. He thought it most extraordinary that the right hon. Baronet, when giving an explanation to an hon. Member of that House, should allude to him in so uncalled for a manner.

Here the matter closed.

COTTON TRADE.] Lord *Althorp* said, he took that opportunity of making a few observations which were probably expected from him. He wished to state the arrangement which he had now made with regard to the Cotton Trade. On a former night he had been asked a question on this subject, and had declined to answer the question until he had seen the deputation from Manchester. That deputation had been in town—he had had a communication from the members of it, and he believed he had settled the matter to their satisfaction. The mode in which he now proposed to regulate the trade was, to take off immediately the tax on Printed Cottons, and to convert the *ad valorem* duty of six per cent to five-eighths of a penny on cotton now imported, and not to allow the drawback. That would not have the effect of making any alteration with regard to East-India cottons. He ought to add, that he intended to allow the drawback on exportation for the space of three months.

WEST INDIES.] The Marquis of *Chandos* said, he found that, after repeated intimations had been given that relief should be afforded to the suffering interests of the West Indies, no relief was now to be afforded them. The distress in the West Indies was exceedingly great, and it arose principally from the tax on sugar—a tax which, he reminded the Government, was a war tax, and ought to have been abolished at the end of the war, but which had still been continued, and was not now proposed to be taken off. He asked his Majesty's Ministers, in the arrangement they were about to make, that they would consider seriously the situation of the West-India colonies; and one of the principal objects of his Motion was, to press that subject on their notice. Their financial plan was not now arranged—their Budget was not finally made up—and he called upon the right hon. member for Dover to support, on this occasion, the opinions he had held

before he became a member of the Government. He would refer to the statement made last year by the right hon. Member, on a debate on this subject. The right hon. Member then stated, that he was most anxious to protect the West-India interest. That protection, however, had not been afforded, and was not now even promised. He called on the House to consider what must be the feelings of men to whom such protection had been promised, but who were not happy enough to obtain its advantages. The measure which had been introduced for their benefit had been subsequently withdrawn. He repeated, that the financial arrangements were incomplete, and the Budget not fully settled. He, called, therefore, on the Government to go along with him; and especially he called on the right hon. the President of the Board of Control, to support him in the application he now made, on behalf of the West-India colonies, to the serious attention of the Government. That right hon. Member had recorded his opinion in favour of the West Indies, and could not now retract it. The right hon. Gentleman had stated, very truly, that he saw a strong necessity for interfering on behalf of the colonies, and he had advised that practical relief should be afforded to them. The right hon. Gentleman had voted in a division of 144 on a Motion which he (the Marquis of Chandos) had the honour of submitting to the House. He trusted that something beneficial for the West-India proprietor would be brought forward. The financial statement of the noble Lord had indeed been materially changed, but, as the Government appeared to be at sea with respect to finance, he hoped that some plan which would afford relief to the West-India interest would be now submitted. He was exceedingly desirous that relief should be extended to those who were suffering. He not only asked relief for the distresses of the West-India planters, but also for the people of England. With respect to the colonies, he did not agree with those hon. Members who wanted to dissolve the union between them and this country. If any such proposition were submitted to this House, he should be one of the last men to give it his support. He knew the value of the colonies too well ever to desire such a thing: and he hoped the House would attend to their interests, for their interests were also the interests of this country.

It was to the naval power of the country that we were indebted for the colonies; and, as he had before said, he hoped they would be scrupulously preserved. He would implore his Majesty's Ministers not to disregard the petitions which were presented to that House in favour of the West-India proprietor, nor disregard the petitions which came from all parts of the empire on the subject of slavery. That was a question which merited their attention, and he hoped to see it speedily settled. He stood up in that House to advocate the cause of the West-India planter, as a free and independent Member; and he begged to call for the support of Ministers, on the score of principle, of consistency, and of justice, to the resolution which he would now read. The noble Lord then concluded with moving the following resolution as an amendment to Lord Althorp's motion. "That the distressed condition of the West-India planters demands the serious and immediate consideration of this House, with a view to their relief."

Mr. *Keith Douglas* seconded the Motion. He expressed his regret at the course which his Majesty's Ministers had thought proper to pursue, and his disappointment at hearing the financial arrangements of the Government. He felt convinced, when he heard them, that no relief was intended for our long-suffering colonies though that had been promised over and over again. Now, however, it was found out, that legislation could give no relief, but that was a position which could not be maintained. He knew that the Board of Trade had investigated the subject with the greatest care, but he was satisfied that the papers for which he had moved and which were then on the tables of the House would warrant a different conclusion from that come to by the right hon. Gentlemen. Those papers showed, at least, that unless some relief was speedily given to the colonies, they must be completely ruined, and his noble friend and himself pressed that consideration on the House, because they were satisfied that it was in the power of the House to afford relief. He had on a former occasion expressed his disapprobation of some of the new taxes proposed, and he wished then to add, that the alteration of the tax on timber would ruin our North American colonies, and injure our shipping interest, without conferring any correspondent ad-

vantage on the country. Those taxes had excited so much disapprobation that the noble Lord would necessarily be obliged to remodel his Budget, and in doing that he hoped still, that the West-India interests might be taken into consideration. The difficulties of the West-India planters were caused by legislation and they looked to legislation, to repair the evils it had inflicted. The Legislature had always restricted the Colonial trade to British shipping and the Mother country. All the produce of those colonies was required to be sent to England in British ships, and all their supplies were imported only from Britain; out of that legislation onerous engagements had arisen, trade was made costly, the restrictions were a burthen on all the parties and their profits were sacrificed to the public benefit. On that ground, the West Indians called for relief and they saw that it might be granted to them by lowering or removing the warduty on sugar. The legislature too had thought proper to prohibit the removal of slaves from one colony to the other, and the consequence was, that more were found in one place than were wanted, while in another island, there was a want of hands. In the island of Cuba and at the Brazils, in consequence of the continued importation of Slaves, sugar could be grown at a much lower rate than in our colonies. In them a slave cost 100*l.* while one could be imported at an expense of 40*l.* The imported slaves were in general unencumbered effective labourers, while in our colonies, where they were bred a great part of the population was ineffective. Thus the English planter had only thirty-four effective labourers out of 100 slaves, while the Brazilian planter had fifty five. Our colonies producing more sugars than could supply our own markets, the surplus was sent to the continent, where it met this cheap-grown sugar of Cuba, and the Brazils, and would sell for no more than it. The price of Sugar had been beat down from 64*s.* per cwt. to 24*s.* giving, after deducting the charge for conveyance to Europe, 15*s.* 6*d.* to cover the expense of cultivation, which it had been proved over and over again was not sufficient. The country was hardly consistent in its wishes to abolish slavery in our colonies while it was anxious to benefit by the low price of slave-grown sugar. It professed great anxiety to abolish slavery, but refused all assistance to those who were engaged in

the unequal contest of producing sugar without the importation of fresh slaves. If the present system were allowed to continue, the competition between the slave-importing countries and our colonies must end in the ruin of the latter. When that was the case those people who had been so anxious to abolish slavery, would find that they must draw all their supplies from countries that still carried on the Slave-trade, and over which they had not the smallest control. By not assisting the English planter, then, they would perpetuate that crime which the public voice had loudly condemned, and which the country had been at great expense to put down. He hoped, therefore, that his Majesty's Government would reconsider the subject, and for the interests of humanity, in compliance with the public voice, and in contemplation of the colonial and shipping interests of the country, give relief and encouragement to the planters of our own colonies, where slavery was in the progress of melioration, and where the slave-trade had been happily extinguished.

Mr. Poulett Thomson expressed his surprise, that the noble Lord should have introduced a debate upon the sugar-duties, and on the colonies, upon a proposition for the House to go into a Committee of Supply—a motion which, if acceded to, would have the effect of retarding the Supply. There was no disposition on the part of Government to disregard the interests of the West-India planters—no disposition to prevent an inquiry into the subject, and his hon. friend had only done justice to the Board to which he belonged, when he admitted, that it had carefully investigated the subject. What he complained of was, that the noble Lord had not brought forward his Motion in a more regular way, instead of taking the present opportunity of submitting it to the House on the present occasion, when a motion was before the House to go into a Committee of Supply. He (Mr. P. Thomson) would not follow his hon. friend who had seconded the Amendment, through all his statements; but he should be doing himself injustice if he did not enter somewhat at large into the subject, with a view of showing that the mode pursued by Government was a true and sound course. If the Government did not consent to a reduction of duty upon West-India produce, it was because they considered the revenue could not spare it; and because neither

of the proposals submitted to the Government by the West-India planters was calculated to attain the object in view, or was consistent with the public welfare. The noble Lord had but done him justice in stating what he had done. He would accept with pleasure the words which had been quoted. He was anxious and desirous that the West-India interest should be protected. He would go farther, and say, that he was not only desirous of seeing the West-India proprietor protected, but that all his Majesty's subjects, whether in this country or the colonies, should be protected and assisted. The only difference between the noble Lord and him was, that he would never consent to sacrifice the interests of one party to those of another, or seek to promote the prosperity of particular branches of our trade at the expense of the general prosperity. The noble Lord must have made a slight mistake when he supposed that he had voted in support of the noble Lord's motion on the occasion alluded to. Whoever voted with the noble Lord on that occasion, he certainly was not one, though he had divided in favour of the motion of his right hon. friend (Mr. C. Grant). He should have no objection to see the duty taken off sugar, provided it could be done without injury to the revenue; but there were other taxes which pressed more heavily upon the community, and these he would rather see removed. With respect to the proposed financial measures, it was impossible, in the state of the revenue, to reduce the duty on sugar. His noble friend (the Chancellor of the Exchequer) had, in his financial statement, calculated the result of his propositions, leaving only a very small surplus. He would put it to the noble Lord—he would put it to the people of England—whether more had not been done for the general benefit by the Government, in removing the tax on sea-borne coal, and the tax on candles, than would be effected by the repeal of the duty on sugar? He differed from the noble Lord with respect to the ground upon which the duty on sugar ought to be removed. He (Mr. P. Thomson) had never advocated the principle of the reduction of that duty on the ground of its being beneficial to the manufacturer or grower, but because it pressed heavily on the consumer. He would maintain, that if the duties were taken off sugar, it would not benefit the West-India proprietors, as it would not

give them a monopoly, and until they had a monopoly, no reduction could be of any benefit to them. There was one-fourth more sugar exported from the West-Indies than was wanted in this country; and as long as that was the case, the price of sugar here would be regulated by the price which could be obtained for the surplus abroad. In addition to the nominal but not real monopoly of our market, which, in fact, they already enjoyed, they must get, therefore, a monopoly of the continental markets, or a power of keeping the cheap sugars of Cuba or the Brazils out of them, before any reduction of duty could afford them a great relief. He believed that lowering the duty would tend, in a great measure, to stimulate the growth of the cheap sugars, at least till the country could consume all the surplus of the West Indies. He was quite ready to admit, therefore, that a reduction of duty would benefit the consumer, but he denied, that it would confer any immediate benefit on the planter. Looking, indeed, at the interest of the consumer, then he was still prepared to recommend a reduction of the duty on sugar whenever that could be effected; but he did not think, that the case was so urgent that the revenue ought to be sacrificed, and the financial resources of the country exposed to hazard, by complying with the wishes of the West-India planters. His hon. friend, in the statement which was laid before the Board of Trade, urged the propriety of the Government giving a bounty of *5s. 3d.* per cwt. on all sugar imported into this country from the West Indies. The planters urged this on the ground of the restrictions which the mother-country imposed on the trade of the colonies. He was happy to see, indeed, that the West-India interest had not brought forward that claim on that occasion: they had not submitted it to Parliament, and it was no part of the proposition then before the House. Still he might be allowed to state, that if conceded, it would have amounted to the moderate sum of 1,200,000*l.* taken from the pockets of the people, and transferred to those of the West-India planters. His hon. friend seemed to think it an evil and a hardship, that the colonists were obliged to send all their produce to England in British ships; but the fact was, that the freight of them was so much cheaper than any other, that from 30 to 40,000 tons of Brazilian produce was annually sent to

Europe by our shipping. His hon. friend seemed also to think, that the West-Indians sustained a great loss by being obliged to take all their manufactures from this country: he calculated, in fact, that our manufactures were 15 per cent dearer than others, and that, by this regulation, the West Indies were taxed to the amount of 370,000*l.* for the benefit of the English manufacturer. But was it not a notorious fact, that the greater part of the manufactured articles required in the West Indies could be obtained much cheaper from Britain than from any other part of the world. Those very articles were taken from this country to the colonies of other countries, to which our fiscal regulations did not extend. Another grievance the planters complained of was, that they were obliged to draw their supplies of lumber from our North American colonies; that he admitted was an evil, and the Bill before the House, for regulating the intercourse between the colonies, would remedy it in part, though not to the extent of giving the whole supply of our colonies into the hands of the United States, which he thought would neither be consistent with political wisdom nor advantageous to the West-India islands. Another point was, the admission of our refined sugar into foreign countries, which our Government could not compel, and he knew no means by which this could be effected, except by the planters refining it themselves, and sending it as cheap to Europe as the sugar of the Brazils. It had been said, too, that the West Indies might be relieved by the admission of rum at a lower rate of duty; but if the Government were to attempt that, it would be opposed by all the country gentlemen of the empire. Scotland and Ireland would be up in arms, and he could conceive no way by which the opposition could be overcome, unless the eloquent advocates of the West-India planters could persuade the distillers, and farmers, and maltsters, and landowners of England, that their interests would not be injured by admitting rum at a lower rate of duty than at present. The great source, undoubtedly, of the ruin of our colonies was the continuation of the slave-trade by foreign countries. To that point, accordingly, the Government had directed its most anxious attention, being satisfied that the pecuniary interests of the West Indies, as well as the interests of humanity, required

that this abominable traffic should be put down. The Government had, in fact, been unceasing in its exertions to attain that object, and till that was attained, he saw no hope of effectual relief to the West-India planter. He regretted very much that his hon. friend should have referred to the Budget with feelings of asperity, and should have roused the hostility of other interests by the manner in which his hon. friend had preferred the claims of the West-Indians to the general interests of the community. It was such unwise demands which created throughout the community, a feeling of animosity to our West-Indian fellow-subjects, and which caused that general cry to which his hon. friend had referred as pervading the country at the period of the general election; he was sorry his hon. friend had thought it necessary to say any thing on that point, for he was far from having instigated or joined in that cry, though he must acknowledge that he was disposed to sympathise with those who were its objects; and he would beg leave to remind the hon. Member, that it was in the power of the people of England to come to the bar of that House, and to ask how long the Resolutions of the House of Commons of 1822 were to remain a dead letter on the Statute-book; and how long those recommendations, which emanated from the Government, were to be disregarded, and its advice unheeded? He bitterly regretted that any occasion had offered for the present discussion to spring up; and he denied that the mode of relief suggested would be of any benefit to the West-India interests. He protested against the inference which the noble Lord had drawn from the conduct of the Government with regard to the present Motion. He felt disposed to grant every relief possible to the West-India interests, and he hoped the noble Lord would believe that such was his desire; and, if he was convinced of that, he trusted that the noble Lord would think that the subject had much better be left in the hands of Government, or else under the consideration of the House of Commons, than that he should stop the Supplies by passing to a division on a motion of this nature.

Mr. Hart Davis observed, that the interests of the West Indies were of the highest importance to this country, for the ships and commerce of Great Britain were the natural effects of her colonies, and had

been fostered, and almost created, by them. He was disposed to believe, that the reduction of the duties on sugar and rum would not have the results that were anticipated by the West-India proprietors, but that the amount taken off, instead of going wholly into their pockets, would go part to the consumers, and part only to them. He thought, however, the planters had great claims on the consideration of his Majesty's Ministers, but, at the same time, these claims were a subject of general consideration, which ought to be deferred, and the House ought to be satisfied that the future judgment of the Ministers would be exercised as to the relief which it would be most proper to afford. He begged, before he sat down, to call the attention of the noble Lord (the Chancellor of the Exchequer) to a subject which was of very great importance to those interested in it—namely, the growth of tobacco in Ireland. The noble Lord must be aware of the intentions of Government on this subject, and he would, therefore, be able to afford him the necessary information. He wished to know, whether it was the noble Lord's intention to bring forward his bill for prohibiting the cultivation of tobacco in Ireland? It was of importance that the growers there should be aware of the intentions of Government to let the cultivation of that plant go on there: and it was also of importance to those concerned in the importation of foreign tobacco to know whether they would have to contend with the growers of Irish tobacco as well as with the smuggler, particularly as they had been disappointed in their expectations of a reduction in the duty. He wished also to ask another question of the noble Lord; and that was, whether it was intended by Government to persist in levying the increased duty on Canada timber, or whether it was the intention to modify the original proposition, as brought forward by the noble Lord,—or, lastly, whether, as was very generally wished, the noble Lord would abandon his intention of altering the duty on Canadian timber altogether? With regard to the Motion now before the House, he was of opinion that the distress among the West-India planters was at present at such a height, that in another year the remedy would come too late.

Mr. *Robinson* hoped that the noble Lord would not hastily answer the question of the hon. member for Bristol, with regard to the duties on timber, because, as the

noble Lord well knew, the persons who were most interested in that part of the noble Lord's proposition were about to submit certain considerations to the Government. As to the subject immediately under discussion, the noble Lord who had brought it forward had established that great distress existed in our West-Indian colonies; and, indeed, that had not been denied by the Government. He strongly objected to a topic so irritating as that of slavery being mixed up with a question purely commercial, like the present. The chief ground of complaint of the West-Indian proprietors was, as it appeared to him, that there had been an infraction on the part of the executive Government, of a treaty that had been entered into between the Government and the West-Indian proprietors. The terms of that agreement were, that the duties imposed were to be considered as a war-tax, and that they should not be continued in time of peace. Nevertheless, the duties had not been altered; and this he considered a just and strong ground of complaint. He admitted that the price of sugar in our market was regulated by the price abroad, but he contended, that the price there would be raised by such a decrease of duty as would extend the consumption of this country. With respect to what the right hon. Member had said of British vessels bringing the produce of the Brazils to Europe, that was not because the freight by them was less than that by other vessels, but because they carried out cargoes there, and must of necessity have some to bring back. He did not mean to accuse the Government of an anti-colonial feeling; but he was sure that some of the measures which the Government had lately proposed would be considered in the colonies as indicative of such a feeling. However, he had risen chiefly for the purpose of begging the noble Lord not to answer hastily the question which had been put to him with respect to the timber duties, because he was sure that the representations which would be made to the Government on that subject would not be without effect.

Lord *Althorp* said, he was perfectly ready to admit that the distress which existed in the West-India interest demanded serious attention, and he should not have the slightest objection to agree to the appointment of a Committee to inquire into the whole case. He objected to the Motion now before the House, be-

cause, if met as such a motion ought to be met, it would be impossible that they could go into a Committee of Supply. He was bound to say, that neither the noble Lord nor the seconder of the Motion had in the least degree exaggerated the distress complained of; and he begged to assure the House, that there was no man more ready than he was, to alleviate that distress, if he saw the means of doing so. But with all the consideration which he had been able to give to the subject, and after the most attentive examination of all the circumstances connected with it by the Board of Trade, he must say, that none of the propositions which had been brought forward as remedies, had appeared to the Government capable of being adopted, consistently with the general interests of the country. He had been misunderstood with regard to what he had said on a former occasion, with respect to the sugar duties. He had said, that he did not think that the reduction of the duty on sugar would confer any great benefit on the planter, and he still adhered to that opinion. It was not necessary for him on that occasion to enter into his reasons for that opinion, especially since his right hon. friend near him had already stated them to the House. Allow him, however, to say, that, in looking at the general taxation of the country, it did not appear to him that the duty on sugar ought to be the first tax to be taken off. It had generally been said in that House to any Gentleman who proposed that a certain tax should be taken off,—“You must propose a substitute.” Yet, Gentlemen had come forward that evening, who, after objecting to the taxes which he proposed to substitute for taxes which he had taken off, gravely asked him to take off another tax, namely, the sugar duty. Now, surely this was not reasonable. He would put it to every hon. Gentleman who heard him,—he would appeal even to the West-Indian proprietors themselves,—whether it was not much more to the advantage of the country that the duty should be taken off coals and candles than off sugar. Well, then, after taking off those duties—after having proposed taxes in lieu of them, and after the latter had been objected to, could any thing be more unreasonable than to ask him to add to his remissions the remission of the duty on sugar? As to the question which had been put to him with regard to the timber duties,—this, he admitted, was not the proper time for dis-

cussing his propositions with regard to them. As, however, when that subject came under discussion, he should be prepared to show, that his proposition would not be injurious to Canada, he had no hesitation in stating now, in answer to the hon. member for Bristol, that it was not his intention to make the slightest alteration in the proposed timber duties. Reverting to the Motion of the noble Lord, he had only to observe, that although he felt it necessary to resist that Motion, yet, if the noble Lord thought, that in a Committee any means of reconciling the conflicting interests could be devised, he certainly should not object to the appointment of such a Committee. He was quite sure, that to reduce the duty on rum would militate against many important interests of this country; and he was convinced, that if he had proposed such a measure to the House, he should have proposed it in vain. He would not detain the House further, but before he sat down he would answer a question which had been put to him by an hon. Gentleman opposite (Mr. H. Davis), respecting the prohibition of the growth of tobacco in Ireland. He knew that measure to be greatly objected to in Ireland, as particularly prejudicial to some interests in that country. But he meant to accompany the prohibition with a reduction of the duty on imported tobacco—a measure, by which he believed that Ireland would be more generally benefited, than by the permission to grow tobacco. However, as he had not been able to carry into effect his intention to reduce the duty, he felt also bound to abandon the prohibition.

Mr. *Hume* concurred entirely with the noble Lord opposite (Lord Althorp) in thinking that an inquiry ought to be instituted into the condition of those colonies, and the most effectual means of remedying the distress under which they laboured. For his part, he believed that they would derive more benefit than injury from the letting into the English market more freely the sugar of the East Indies, because, if that would effect nothing more for them, it would at least remove a great part of the ill-will which was undoubtedly borne towards the West-India interests. He would, however, recommend the noble Lord to withdraw his Resolution.

Mr. *C. Grant* said, that he had so often trespassed on the House upon the subject referred to in the noble Lord's Motion,

that he should spare both the House and himself the trouble of going into the discussion on the present occasion. His own opinions were well known to be in accordance with the Resolution proposed by the noble Lord; but he must, however, object to its being now brought forward, on an occasion and in a manner in which it could not fail to obstruct the proceedings of the Committee of Supply. He agreed with his noble friend in saying, that if the noble Marquis should move for a Committee of Inquiry, they (the Ministers) would be glad to adopt any measures calculated to relieve the distresses of the West Indies, without prejudice to other interests.

Mr. *Bernal* assured his noble friend (Lord Althorp) that it never was his intention to join in any measure of a factious tendency or hostile to the Government. If such had been the object of the noble mover, he (Mr. Bernal) would not have supported him. He would never sacrifice his public duty to his private interest. But the subject of the noble Marquis's Resolution forced itself imperiously upon the consideration of the House and the Government. He did not blame the present Administration more than any former one; but he would say that there had been manifested the most neglectful ignorance of the West-Indian and other colonial interests. The West-Indians had been neglected because they were weak; they had been oppressed on account of their imbecility. He thought that it would have been better, had the right hon. Gentleman near him not alluded to the question of negro slavery. He would ask his noble friend, the Chancellor of the Exchequer did he think that he (Mr. Bernal) would join in an endeavour to retard the proceedings of the Government? Nor had the noble Marquis asked alone for the reduction of the duty on sugar, but that the whole case of colonial distress should be taken into the consideration of the House. But the purpose of his noble friend would not be attained by a Committee of Inquiry, in which there would be no more than a repetition of stale evidence which had been already laid before the Board of Trade. He was sorry to find that they had come at last to this, that they should hear the right hon. Gentleman, who had so long advocated the principle that reduction of taxation was ancillary to an increase of consumption, and tended ultimately to increase the productiveness

of the tax, now say that the reduction of a tax upon sugar would not relieve the producer, and would injure the Exchequer. He believed, that the interests of the West Indians and of the inhabitants of the other parts of the empire might be mutually promoted by a modification of the duties on sugar and rum and by allowing the use of sugar in our distilleries. Sugar had become a necessary to the poor man, and his comfort would be much promoted by that reduction of duty which would promote the prosperity of our colonies. He put it to the whole Government to say, why, if they admitted the distress was not exaggerated, they could think it fitting in them to postpone one moment, the consideration and application of a remedy.

Mr. *C. Grant* said, that far from having any intention to impute factious or hostile motives to his hon. friend who last addressed the House, he had meant to say, that he would himself support the motion, except that it would at present interfere with the progress of the Committee of Supply; but it had just now been suggested to him that the resolution would not have that effect. Since he had heard that, he was prepared to agree with the noble Marquis, but for the objectionable manner in which his motion had been introduced. He, however, had heard from the highest authority that the resolution would not interfere with the supplies, and therefore he would vote with the noble Marquis.

Mr. *Warburton* rejoiced to have heard the West-India interest advocated upon principles with which the House could agree. He was glad to hear the Member for Rochester not contending for the monopoly of the supply of sugar, but requiring an increase of consumption as the remedy of the producer's distress. He suggested that the resolution should be prepared in a Committee, and that the noble Lord should afterwards introduce a bill founded thereupon.

Sir *James Graham* was sorry, that he could not go the same way that his right hon. friend the President of the Board of Control would go, if the noble marquis should divide the House. He knew that the distress existed as described by the noble Marquis and he regretted it. But the fact had not escaped the observation of the Government. The state of the country and of the colonies had been passed in review before them; and it was impossible that facts, so striking as those

mentioned by the noble mover of the resolution, and by the hon. Gentleman below the gangway, should have escaped the notice of his Majesty's Ministers. He was ready to admit that the motion of the noble marquis might not obstruct the Committee of Supply; but, as he himself had often made a Motion of the same sort, he knew very well that its success would be understood to convey an indirect, but intelligible censure upon his Majesty's Ministers. It was quite clear to him, that if the Ministers agreed to the motion, before to-morrow morning it would be supposed throughout the country that the House had implied an opinion that the Ministers had not done their duty. But they, having taken into consideration the state of the country, had brought forward those measures which to them seemed most conducive to the general relief. It was not to be forgotten that they had done everything that was possible for the relief of the country, consistently with the maintenance of the civil government and of the national faith. In making reductions, it had appeared to them that the taxes of which the reduction would give the most extensive relief, and in the direction in which it was most required, were those upon coals and candles. Was the public faith of this country to be sustained or not? But how was it to be sustained, if gentlemen opposed the imposition of all new taxes, and came forward night after night to propose the reduction of successive taxes? Gentlemen, therefore, might talk of maintaining the public faith, and of preserving the public honour in spotless purity; but he would ask, how was that to be done if his Majesty's Ministers were called on to take off tax after tax without supplying their places by others more easily borne? The real question at issue was, had the Ministers done rightly or not? In considering what taxes ought to be reduced, they conceived that those on coals and candles were the most fit to be repealed. If the House thought that the Government had been right, it would sustain the Ministry, and reject the Motion of the noble Marquis. He did not deny the existence or the extent of the distress. They admitted both; and they said, that they would take the earliest opportunity to relieve it. He could not say that such an opportunity might occur in the present Session; but if not, he hoped it would take place in the next. His hon. friend

had said, that if a Committee were proposed he should vote for it. But for what purpose should such a Committee be appointed? The fact of the distress was ascertained already. It was not denied. The Government had fully considered it with a view to devise the means of its alleviation, and they had, consequently, asserted, that they could not relieve it by the removal of taxes consistently with a due regard to the maintenance of the civil government and of the national honour. They would not hold out a delusive hope that they should be able to give relief in the way in which it was desired for the West-India interest, in the present Session. It therefore remained for the House to say whether it would assent to the Resolution of the noble Lord, or support the Ministry as the case at present stood? He did not wish to put the matter to the House otherwise than in a straight-forward, intelligible manner. He was sure he spoke the sense of his colleagues when he said that they did not wish to hold office longer than they possessed the confidence of the House and of the country. It gave him great pain to differ from his right hon. friend, Mr. C. Grant, for no man held him in more respect, but he had a duty to perform which had higher claims on him than personal friendship. He would, therefore, throw himself upon the House. He hoped that, though he might have argued feebly, he had at least expressed his sentiments plainly and fairly.

Sir *R. Peel* said, that, on the present question, he could not take into consideration the probable effect which the decision of the House might have upon the relative situation of political parties. In the present state of the country, he had much higher objects to regard; and he was bound to be governed by them in giving his vote. He concurred with those who lamented the distress of the West Indies, and he considered the interests of the mother country to be involved in those of the colonies. He deeply regretted that any irritating topic had been introduced, and that they could not discuss questions merely fiscal without being threatened with the voice of the people of England. He was astonished that a right hon. Gentleman connected with a financial department should attempt to influence the House in the consideration of a financial question, by referring to the condition of the slaves. He would assert, that the

moral and physical condition of the slaves would most effectually be improved by promoting the welfare of the planters. The true way to raise the condition of the slave was to restore prosperity to the West-Indian colonies. But on the present occasion he must be governed in his course by feelings higher than party or political prejudices. He agreed, that the West Indians required relief; and he trusted that the noble Lord would be able to give encouragement to the hopes of the planters—that the duties on sugar would be reduced in the next year. But, in the present state of the country, the noble Lord having pledged himself to the reduction of the duties on coals and candles, and no satisfactory explanation of the taxes that were to be imposed, that he had heard, had yet been given, he could not, with due regard to the paramount duty of supporting the public faith, concur in the taking off any other taxes. He should be sorry also to give any vote which would interfere with the progress of granting the supplies. He could not vote for the Resolution, because it might encourage hopes which could not at present be realized. He regretted that the right hon. Gentleman opposite, who was so aware of the necessity of supporting public credit, had not kept as attentive an eye to that necessity when he supported the tax upon transfers, and when equitable adjustment was talked of on a former occasion. For the sake of that credit, he should vote against the Resolution, without regard to any influence it might have upon the state of parties. At the same time, he would advise his noble friend not to accept the offer of a committee. The responsibility of attending to the colonial interests was last year left to the Administration; and the neglect of them since had not been occasioned by ignorance or denial of the distress, but by the inability of the Government to devise means of relieving it, consistently with other interests. He did not, however, think that the reduction of the tax upon sugar would afford all the desired relief. The right hon. Baronet had said, that the question before the House was really a party question, and that its decision would determine the continuance of the present Ministry. If he (Sir R. Peel) viewed it in that light, he should think it a sufficient reason for the House to reject the motion; as it ought not to entertain on light grounds a ques-

tion involving such results. But, in the present state of the country especially, they ought not to call on Ministers to pledge themselves to reductions of taxation which would endanger the sufficiency of the public revenue to the support of the public faith. He concluded by recommending his noble friend to withdraw his motion.

Mr. Sykes fully admitted the distress of the West-India interest but as he saw no means of giving it relief, he agreed with the right hon. Baronet that the motion ought to be withdrawn.

Mr. Hunt observed, that the mere duty was so small, that the relinquishment of it could not lead to any breach of national faith; but, at the same time, he thought it a fit subject for inquiry. He conceived that, on the present occasion, he should best discharge his duty by supporting his Majesty's Government. In taking off the burthens which pressed upon sea-borne coals, on candles, and lightening the tax on newspapers, Ministers had conferred obligations upon the public, giving them light, heat, and knowledge; and therefore he should, for the present, at least, give them his support. As to the Motion of the noble Lord, it was so exceedingly indefinite, that he hoped no liberal Member of that House would give it his support; or, rather that no liberal Member of that House would withdraw his support from his Majesty's Government. If they were not so near the first of March, there might be some difficulty in the matter; but at the present crisis, he hoped the noble Lord would not be supported.

The Marquis of Chandos, in yielding just then to the wish of the House, begged it to be understood, that he was resolved, at some future time, to follow up his present Amendment, when he might hope for more unanimity in the House than there then was.

Amendment withdrawn.

On the original question being put, that the House do resolve itself into a Committee of Supply,

An hon. Member wished to know from the noble Lord opposite, if the report was well founded, that a quantity of arms had been removed from the stores in the Tower, for the use of the French government.

Lord Althorp replied, that the French government had contracted with certain Birmingham manufacturers for a consider-

able quantity of arms; but the time granted for the preparation of them was so short, that the manufacturers applied to the Government of this country, requesting a temporary supply from the Tower, which were to be replaced as quickly as arms could be manufactured in Birmingham. To that extent these supplies were afforded to the French government, but immediately to the contractors in Birmingham. Recently a further demand was made upon his Majesty's Government for a large number; but that had not been acceded to, and was merely under the consideration of the Ministers.

Sir *Henry Fane* wished to know whether the noble Lord implied that the arrangement referred to had been made by the late Board of Ordnance?

Lord *Althorp* said, No, no.

Sir *George Clerk* wished that the noble Lord, the Chancellor of the Exchequer, would state to the House the aggregate amount of the Estimates for the current year. It was his opinion that, in the present state of the country, he ought rather to increase than to diminish the estimated surplus, for it did not appear from what quarter relief was to come.

Lord *Althorp* did not at that moment precisely remember the amount of the whole of the estimates as stated by him on a former evening; but, as well as he recollected, it was 46,885,000*l.* It was well known that last year's estimated surplus of 300,000*l.* had been underrated, for the beer-duties alone made it rise to an amount far beyond that sum; and he was sure the House would agree with him, that some of the reductions which he proposed could not be altogether unattended with success, and that his estimated surplus would, like that of his predecessor, be increased.

Mr. *Goulburn* understood his hon. friend to express a wish to know what the estimates were, as separated from the expenses of the public Debt, that he might have the means of comparing them with the estimates of former years. As for his own views on the subject, he was quite convinced that the noble Lord opposite would find it absolutely necessary to impose other taxes beyond those which he had announced, or else give up some of his reductions.

Mr. *Briscoe* asked, if there was to be such an increase of troops, what was to become of the principle of non-inter-

ference? In his opinion the yeomanry, the constabulary force, and the militia were the legitimate and constitutional power to which the Government ought to look; and as to taxation, he professed himself utterly unable to comprehend how that reduction could be brought about without a reduction of expenditure.

ARMY ESTIMATES.] The House resolved itself into Committee of Supply.

Mr. *C. W. Wynn* rose to move the first Resolution; in doing which, and in bringing under the consideration of the Committee the Army Estimates for the present year, he regretted that, it being the first time that duty had devolved on him, that he should find himself under the necessity of proposing an increase of 6878 men instead of a diminution. That increase, however, was not founded upon any opinion on the part of his Majesty's Government that any armed intervention would be necessary. But when he looked at the state of England at the time the Government were called on to determine the amount of men requisite for the service of the current year, and also, when he looked at the state of Ireland, he could not but think that the House would agree with him, that the proposed increase did not exceed what the necessities of the country required. He was sure the House would see, that when the present Ministers were called to the direction of affairs, they were bound to take every possible precaution for the protection of the loyal and well-disposed portion of the community. He felt that he should not discharge his duty to the House, nor to his colleagues, if he did not, in the first instance, call attention to this fact, that the proposed augmentation did by no means involve increased patronage, owing mainly, he was bound to say, to the excellent arrangement introduced by his noble friend near him, when Secretary at War, by which facilities were afforded for the increasing the number of recruits, by lowering the standard. It had been suggested that a better mode would be, to embody the veteran battalions. On the most mature consideration, the Ministers had arrived at the conclusion, that not only the veteran battalions would be less efficient, but eventually more expensive. It should be recollected, also, that most of the veteran battalions were recruited under Mr. Wyndham's Act; that they would, therefore, be

entitled to increased pensions for every month they served. It was also to be recollected, that the half-pay list would be materially affected, by carrying such a project into effect, to say nothing of the inconveniences which would be attendant upon the number of wives and children belonging to the veterans. He wished it to be understood, that the proposed increase of the army was to take place, by the addition of men to the companies, which might at any time be reduced. As to the precise matter then to be brought under the consideration of the Committee, it was confined to the first eight votes, the ninth, relating solely to the Indian army, involved no increase of expense. The increased expense on the first eight votes was 199,966*l*.—there was an apparent increase of 210,000*l*.; but deductions which were to be made from that, left it at the sum he had mentioned. With respect to the Volunteer and Yeomanry force, he certainly regretted the reduction which it had undergone in 1827, nor was he disposed to measure its utility simply by its service, in putting down actual disturbance, but also by the effect, which the knowledge that such a force could be immediately collected, and was at the command of persons of property and consideration, produced towards preventing and checking a disposition to riot. There would be then an expense of 136,000*l*. for the additional land forces, and nearly 72,000*l*. for the Volunteer and Yeomanry corps; but it was to be observed, that this was not to be an annual expense; and as for the sum of 56,000*l*., stated in the Estimates, it would be spread over a period of three years, in the shape of allowances. The right hon. Gentleman complimented the late Secretary at War (Sir H. Hardinge), upon the beneficial alterations he had introduced, upon which it would be the less necessary for him to enter, as his right hon. friend, the First Lord of the Admiralty, had said all that the occasion required. He concluded by moving, “That it is the opinion of the Committee, that the Land Forces for the service of the United Kingdom, for the years ensuing, be 88,496 men, exclusive of the Regiments employed on the territory of the East-India Company.”

Colonel *Davies* said, that it was his intention to oppose the vote, and to propose that the grant should be taken for three months, for the purpose of referring

the Estimates to a Select Committee, with a view to ascertain what reductions upon them could be effected, after duly considering the situation of the country, both positively and in its relations to the Continent. He felt convinced that the force now proposed was much larger than the country required; and that a saving of 100,000*l*. at least might easily be effected. It was to his no little surprise that he had received an intimation that his Resolution was to be opposed by His Majesty's Ministers; for, when he had made a similar motion upon the Army Estimates of last year, he had been supported by those who now filled the Treasury benches, and not less than ninety-three Members had voted with him. He felt the greatest confidence in the integrity of the noble Lord opposite (the Chancellor of the Exchequer), and if he were Prime Minister, he should be confident that he would support the Motion; but, unfortunately, the noble Lord was not the Prime Minister; he had only under his charge a great and important department, and he (Colonel *Davies*) did not feel sufficient confidence in the nobleman who was Prime Minister, for him to give up his opinion, and therefore he would take the liberty of always judging for himself. In looking at these estimates, he would begin with the year 1821, which might be called the *annus mirabilis* of extravagance and discussion on these matters. In that year, the noble Lord had been chained to his seat by the observations on the Opposition side of the House, being pecked at by the vultures there like another Prometheus. In that year the number of troops was 81,106, so that the present number was an increase upon that of 6,936, and the charge was about three millions; by which it would appear, that the increase of the charge now amounted to 119,000*l*.: and yet that estimate was denounced at the time as the most wicked and abominable that had ever been heard of. In the year 1822 the number of troops were 71,500, being a diminution of 16,500 when compared with the present year, while the charge at present was 536,000*l*. more than it had been then. He would, however, now come to the present year, in which, though he gave the Ministry some credit for the decrease, he must give them still greater credit for the increase; for it appeared, that the total increase might, in round numbers, be estimated at 200,000*l*. In the first place, he must object most

strenuously to the establishment of the Dépôt Company, as now instituted, for he thought that great reduction might be made in it without impairing the efficiency of the service in the slightest degree. The charge under that head was nearly 400,000*l.* Now, how did this arise? It was expedient that the supernumeraries and staff, as compared with the rank and file, should be as small as possible. But in this establishment, the contrary was exactly the case, for the amount of the supernumeraries and staff was exactly double what it need be. The total amount of the commissioned and non-commissioned officers was upwards of 11,000, while, in fact, they were wholly unfit for anything but to act as a constabulary force, established in the Isle of Wight and other places, where they were utterly useless. Besides this, the system might be called a modern invention, for, till after the war, no such thing had been heard of. There had been recruiting parties indeed; but the charge on recruiting had increased in spite of the dépôts; 105,342*l.* was the total charge of the recruiting service this year; and the charge of the dépôts was 450,000*l.*; so that the country had to pay 550,000*l.* for the mere expense of recruiting; and, taking it that 10,000 men were raised in the year, that would be a charge of 55*l.* per man. Was not, then, this a fit subject for investigation by a Committee? He thought so, and he had no doubt that on this point alone there might be effected a reduction of 300,000*l.* or 400,000*l.* Another point to which he wished to call the attention of the Committee was, the garrisoning of the troops. In his opinion colonial troops ought to be raised in the colonies where they were to serve, instead of sending the men out there; the consequence of the present system was, that there were frequently 3,000 troops at sea; during which time, of course, they were performing no service whatever. The principle in this country appeared to be, as soon as we got possession of a colony, to see how many jobs we could make of it, while the object of other countries was, to make their colonies support themselves, or even contribute to the mother-country. The Government establishments in the colonies generally were on a shameful scale. In Lower Canada, for instance, the pay and emoluments of the Lieutenant-governor amounted to between 9,000*l.* and 10,000*l.* a-year.

This was a rate of remuneration totally uncalled for, and extravagant to a ridiculous degree. He would ask, what was the class of persons from whom these colonial governors were selected? They were generally naval or military officers, and no man would pretend that the Government could not find plenty of them, men of conduct and character, who would be very glad to go out and fill such situations for 2,000*l.* or 3,000*l.* a-year. There was no necessity to support them in state, and the condition they were kept in was totally useless to the colonies. The Governor of Ceylon had been receiving 10,000*l.* a year for salary, besides an allowance of 3,500*l.* a year on another score. Let them compare the expense of the British army with that of Foreign armies, and the Committee would be astonished. The charge of our Army and Ordnance amounted to six millions (exclusive of the Dead Weight), for which sum 94,000 or 96,000 men were supported. The French army, under the Bourbons, which, by the speech of M. Lafitte, appeared now to be considered as on much too expensive a scale, consisted of 250,000 men, who were supported at an expense of 5,200,000*l.*; and in Prussia, where the whole revenue of the country did not amount to eight millions, an army of 180,000 men was supported. There was one principle which, in his opinion, might be adopted, effecting a great saving. He meant by the adoption of some sort of yeomanry arrangement—not a national guard, that should appoint its own officers and employ its time in presenting petitions to the king;—but a corps that should have its officers appointed by the Crown, and whose whole movements should be under the influence of the Crown. It was by arming those who had property, and were devoted to the institutions of the country, against those who had no property, and had no regard for those institutions, that true security would be obtained. The present distress of the country was undeniable; and though he should be sorry to do anything hostile to the present Government, no personal feeling could allow him to vote what was uncalled for by the country, and he must, therefore, refuse the sanction of so humble a name as his own to such a measure. He could assure the Ministers, that any proposition of Reform would be an act of self-immolation, unless they were prepared to alter their course in this respect;

for it would be impossible, under that Reform, for any Ministry to hold office for two months, unless they could make up their minds to real economy and retrenchment. He should, therefore, move, as an Amendment, that the Supply for the Army should only be voted from the 1st of January to the 1st of April, in order that a Committee might be appointed to inquire into the expenditure.

Mr. *Beaumont* thought, that it was of no use for the hon. and gallant Member to say, that he wished to see the country in a better condition if he would not help to place it there. The hon. and gallant Member had asked what there was in the state of the country now which called for additional troops; but he need not look far for an answer, for there was an hon. and learned Gentleman sitting near him, who had said, that if he raised his right hand, he could put the people in a state of rebellion. [*A murmur in the House, during which Mr. O'Connell made some observations which did not reach strangers.*] If he had used too strong an expression, he was sorry for it; but the hon. and learned Member had been told before then, that his speeches, which began with peace, ended with sedition. That was his (Mr. *Beaumont's*) opinion also, and that was one of the reasons why the Army Estimates were obliged to be of so large an amount. It was not long since the Special Commissions had terminated; and the state of France and of Russia still called for the most serious attention, so that he could not understand why the hon. and gallant Member should have been at a loss for the motives that had induced the Government to increase the number of troops.

Mr. *O'Connell* would not have trespassed on the time of the Committee, had it not been for the extraordinary attack in the extraordinary speech which they had just heard. The hon. Gentleman had commenced with an attack on the gallant Officer who had preceded him, and had then proceeded to show his perfect knowledge of the state of the country; after which, he had bestowed his meed of disapprobation on him (Mr. *O'Connell*). He, however, begged to invite the hon. Gentleman to continue that disapprobation, for, after the specimen he had given of his judgment and intellect, he thought that that must be much preferable to his applause. The hon. Gentleman had said, that the state of Ireland required an aug-

mentation of the army—that the state of England required an augmentation—that the state of France required an augmentation—and that, above all, the state of Russia required an augmentation of the army. In order to fight all these Powers there was to be an increase to our establishment of 7,000 men; this was, indeed, a most extraordinary labour of a mountain bringing forth a mouse. The hon. Member had, however, thought proper to attribute rebellious principles to him (Mr. *O'Connell*), but there was no language, consistent with parliamentary usage, sufficiently strong for him to declare his denial of the foul aspersion—his rejection of the atrocious calumny. The hon. Member had talked of his loyalty; “but,” said Mr. *O'Connell*, “I practise loyalty.” [*Cheers.*] He knew there would always be a ready cheer when any thing was said against him (Mr. *O'Connell*), for he belonged to the most afflicted country in the world, oppressed by famine, which was once said to be periodical, and he sought to make her sufferings known, and to cause them to be redressed. Why was it in a state of famine? it was not sterile; on the contrary, it was the most productive country on the face of the earth, and yet its population were starving. He sought to relieve his country from this state of wretchedness, and if he were to enter into the particulars of his conduct, he could easily repudiate the calumnies which were thrown out by the hon. Member. It was easy to throw out such aspersions, but he would treat them—he would not say with contempt—but with the indifference they deserved. He was also accused of sedition; but if he had been guilty of it, why had he not been prosecuted? He had spoken no speech in Ireland at which there were not Reporters from two Government papers, and when he perceived they had any difficulty in procuring accommodation, he took care that it should be provided for them. He would ask, then, what it was that induced the hon. Member to introduce those remarks upon him? Was it that he desired to court popularity in that House? He was, of course, aware, that any attack upon him (Mr. *O'Connell*) was a sure clap-trap in that House, and he therefore resolved to make the attack, in order to bring down a cheer. This attack was the second which had been made upon him that evening, for the only reason, he believed, because those who did not choose to assail others,

thought they might safely assail him. He had not said one single word to call for these attacks; but he would pass it over, however, with the mere observation, that if any man exceeded him in affection for the land of his birth, he would allow him, but no other person, to be his calumniator. He felt that he did not deserve the censure which had been cast upon him, and in repelling it, he could assure the House, that he did so without being actuated by one spark of indignation.

Colonel *Sibthorp* regretted, that it was deemed necessary to increase the military establishment of the country, but as the measure was decided upon, he thought the cheapest mode of doing so would be, by calling out the pensioners, by which step, if necessary, 18,000 men might be added to the military force of the kingdom.

Lord *Althorp* said, he regretted the necessity of adding to the military force, but he would not then argue for the propriety of the measure, feeling satisfied that it was not necessary for him to do so. With respect to the rest of the estimates, he was willing to admit, that there were several points in which reductions might be made, but how was it possible for his right hon. friend to do so when just coming into office without the benefit of experience? It would be imprudent for him to have gone too far before he had had time to make the necessary inquiries, but he (the Chancellor of the Exchequer) could assure the House that the strictest inquiry should be made into every item of expenditure, and every office should be reduced that might appear on examination to be useless. The hon. and gallant Colonel (Davies) knew, that the vote had never been taken for so short a period; indeed, there could be no advantage in taking it for so short a period. The other hon. and gallant Colonel (*Sibthorp*) had stated, that the better mode of increasing the army would be, by calling out the pensioners; but as every pensioner would be entitled to additional pay for his additional services, and as, in that case, also additional officers would become requisite, he thought it would prove to be by no means the most economical plan. The families of those pensioners would also be thrown upon the public, which expense would not be incurred if young men were enlisted for the service. Upon the whole, he thought the House would show very little

confidence in the Government if they did not, according to the usual practice, grant the vote for the whole year.

Sir *Henry Hardinge* thought the plan proposed by Ministers for increasing the army much the cheapest, and when completed, he did not believe that it would then exceed the usual peace establishment. He thought that Ministers did themselves much credit by resorting to the old constitutional force of the country, —the yeomanry. As the estimate for the militia appeared to be 133,000*l.*, he wished to ask, what numbers were to be called out? He was also desirous of knowing if the Irish militia was to be called out, for if so, the estimate was too low, by the sum of at least 50,000*l.* He had looked through the estimates, and, as regarded the staff, he could find only two reductions, namely, the reduction of the office of Treasurer of the Military Asylum, and that of the Treasurer of the Military College. Of both of these reductions he disapproved. A great many important duties attached to the office of Treasurer of the Military Asylum, which had been exceedingly well performed by Messrs. Cox and Greenwood, the latter gentleman being the holder of the office at the very moderate salary of 300*l.* per annum, or about one and a half per cent on the disbursements. The duties of the Treasurer of the Military College were nearly the same as those of the other office. There had, however, formerly been a Paymaster at the College, but that office having been abolished, an increase of duty necessarily devolved upon the Treasurer. Government had selected the Messrs. Collier for the office, at a salary of 300*l.* a year, which had since been reduced to 200*l.*, being about one per cent on the disbursements; and he begged to ask the right hon. Gentleman (Mr. C. W. Wynn), if he could get his private affairs managed for a less sum. He could find no other reductions in the staff but those, and now that the right hon. Gentleman had had the opportunity of examining into the estimates, he would ask him, if he could support those accusations of gross abuses of patronage, which had been supposed to have existence in that department. He was happy that the right hon. Gentleman had not endangered the army by any crude or party experiment in reduction. He believed that many reductions might still be made, not suddenly,

however, but only as time and occasion offered. He thought the internal state of the country a sufficient cause for the increase of our military establishment; but it was at all events required by the grave and important aspect which affairs wore upon the continent of Europe. When he read the speech of the French Minister, he confessed there were some passages in it which excited in his mind considerable apprehension. When he perceived that the estimate for the year for the service of the State of France was no less than 47,000,000*l.* sterling, and when he perceived that the expenses for the army alone, exclusive of the National Guards, &c., amounted to no less than 9,000,000*l.*—when he perceived that France was, in fact, one great camp—he could not avoid entertaining some misgivings. He had no doubt, however, that he should receive explanation of these matters at a proper period; and he should, therefore, only say, that the army of this country was never in a higher state of discipline than at the present time; and, though he hoped the time might be far distant when the peace of Europe would be disturbed, yet, should it unhappily arrive, we had an army as well prepared as any which this country ever had, to maintain the national honour and safety.

Mr. *S. Rice* said, it was unfair to compare the present Estimate with those which had been made in times and under circumstances in every respect different. The reduction of the offices of Treasurer of the Military College, and Treasurer of the Military Asylum, was to be justified on the ground that the duties could be as well performed by an ordinary Clerk.

Mr. *Stanley* said, that he appeared in the very unusual character of a member of the Government defending the reduction of useless offices. It was, he said, the intention to call out the Irish Militia, and the expense of doing so would be about 50,000*l.*, because the clothing had not been renewed for the last eleven or twelve years, and was, therefore, literally worn to rags, while the arms and accoutrements were equally useless. Ireland was in such a condition that it required the most vigilant superintendence, and Government, in increasing the military establishment, thought it right to refer to the old constitutional force of the country. He had no hesitation in saying, that with Government it was a choice of evils, and

it was compelled to take the step of increasing the forces, or of running the risk of a serious disturbance. He felt confident that no one would attribute to the Lord Lieutenant of Ireland, who was so attached to the country, a desire once more to excite religious animosity. It was true that a great proportion of the Yeomanry of the North of Ireland were Protestants; but still it must be self-evident that Lord Anglesey could have no party feeling to gratify in calling them forth, for he was only anxious for the peace of the country, which, he had no doubt, would be restored with the aid of the old constitutional force of the kingdom.

Mr. *O'Connell* said, it appeared that the Yeomanry force of Ireland had, by the account given by the right hon. Gentleman, been, for the last eight or ten years, a most heavy and useless expense. The sum of 18,000*l.* or 19,000*l.* per year had been paid for the maintenance of that corps during that period; and yet, when it came to be inspected, it was found, according to the statement of the right hon. Gentleman, to be totally unfit for the public service. When the different Yeomanry corps were in activity they were not efficient, they were divided into such unequal proportions.—For instance, in the province of Ulster, where there were no Whiteboy disturbances, and where, indeed, there were very few local outrages of any kind, there were 8,000 or 9,000 men; while in Connaught, there were about 700; and in Munster, 1,500; It was one of the misfortunes of Ireland, that she was subjected to the disadvantage of having some young Nobles sent over to serve their apprenticeships as Statesmen. He looked upon the hon. Member who had just sat down, and whom he had formerly designated by a name which he would not repeat as an apprentice Statesman. Ireland was the place to which all such were sent to serve their apprenticeship to the art of Government, and then they came over to this country to fill offices of higher rank in the State. He looked upon the noble Lord as if he were one of those apprentices, and as being really wholly and totally unacquainted with the wants and interests of Ireland. Surely he ought to be aware that the Yeomanry of the North of Ireland were all Orangemen, and that in all places where they were on duty, local dissensions or bloodshed ensued. The hon. Member

might have known, that it was the practice of these Orangemen to attend fairs, and other assemblages of the people, leaving their arms behind them at a short distance from the place. They then picked a quarrel, sent for their arms, and generally shot several persons before the riot could be quelled. Probably Lord Anglesey might not be acquainted with this mode of proceeding. It was notorious too, that the Irish Yeomanry corps, after the Rebellion, formed a nucleus of insurrection and riot. The number of men they had put to death was unknown, but it was very great. Consisting of Orangemen, they had no consideration for the Catholics, and would not associate with them. He would tell him that the better plan would be, to increase the army, for the regular soldiers were submissive to the law. The King's troops had no party-spirit to gratify, and the consequence was, that the people always looked to them for protection. He would not discuss the question whether it was necessary to increase the military force, but he implored the noble Lord opposite (Althorp), that he would not suffer himself to be led away by those who paid an hour's visit to Ireland, and who said, that no religious animosity existed at the very moment they were about to take steps the most calculated to revive it. As the increase was to take place, he should feel it his duty to vote for the increase of the King's troops, rather than have the Militia again called out, believing the latter to be the most successful plan that could be devised for reviving religious distinctions and dissensions. He could not help looking on the announcement of that evening, as being one of doleful omen to Ireland.

Mr. *Stanley* said, that whatever might be the feelings of the House upon the subject, he felt certain that the speech of the hon. member for Waterford would justify a much larger increase than what was now proposed; and, if any discussion should hereafter take place relative to the calling out of the Militia, they had at all events the opinion of the hon. member for Waterford, that it would be more desirable to increase the King's troops. The hon. Member took occasion to tell him that he had spoken of him elsewhere in terms which he declined to repeat.

Mr. *O'Connell*.—Not as applied to the hon. Member personally [*cries of yes, yes.*] I admit I, in the course of a speech, intro-

duced a humorous story, in which I said, that the persons who generally filled the office now held by the hon. Member opposite (Mr. Stanley), resembled shave-beggars.

Mr. *Stanley* said, he had read reports of speeches delivered by the hon. member for Waterford elsewhere, which convinced him that the hon. Member was usually aware of his audience when he spoke; for no two persons could be more different from each other than the hon. member for Waterford, speaking in that House, and the same hon. Member elsewhere, or rather somebody who bore his name, for he could scarcely believe it to be the same person, when "courting the most sweet voices of the rabble." Whatever might be his conduct elsewhere, however, he appeared and conducted himself in that House as the hon. member for Waterford, and as such, therefore, he should treat him, dismissing from his mind all former transactions—and without condescending to notice the "shave-beggar abuse" which he might have cast upon him elsewhere. The Government of Ireland could rely with confidence on the returning good sense of the people of that country, and with equal confidence on the zeal and discretion of the Yeomanry.

Lord *F. L. Gower* supported the original Resolution. He thought the whole subject had been so repeatedly discussed, that it was a waste of time and words then to enter further into it.

Mr. *Hume* said, it was ridiculous to call the proposed army a peace establishment, when there was an increase of 10,000 men beyond what was usual for some years back. If Russia was disposed to go to war, and if France was turned into a camp, what had England to fear from that?—The people of this country had neither any wish to interfere, nor any interest in interfering with them.—By the present system, the country was maintaining one officer to every six men. He was filled with wonder, when he heard the people on every side calling for reduction, and when he heard the Chancellor of the Exchequer say, that he could not take off one tax, without laying on another—to think that out of 15,000,000*l.*, which was the Estimate for the Army, Navy, and Ordnance, means could not be found to make some deductions. Surely 3,000,000*l.* might easily be reduced from this enormous sum. We had no less than 15,000

officers on full-pay, and 10,000 on half-pay, so that, in fact, we had nearly an army of officers. He was convinced from experience, that the calling out of the Yeomanry was an injudicious scheme, and if additional troops were necessary, he thought the more economical plan would be to increase the regular army than to call out the Militia. The Committee had been led away from the real question which ought to occupy its consideration—namely, whether that House was to sanction an Estimate which would entail such an enormous expense upon the country, at a time when the national resources were so ill calculated to bear it. If this expenditure were encouraged, the country ought not to be surprised at the difficulties and embarrassments by which it would find itself surrounded. Before the French war, the whole of the expense for the entire service of the State did not exceed 15,000,000*l.*, and now the country was called upon to vote such a disproportionate sum merely for the Army, Navy, and Ordnance, that it really ought not to submit to the demand. Since 1817 no less a sum than 220,000,000*l.* sterling, had been expended for the support of the military establishment during a time of profound peace. Was not this quite sufficient to account for the distresses of the country? The amount thus lavished was one-fourth part of the National Debt. Now, if that money had been applied as wisely and as judiciously as the national funds were administered in America, we might be in somewhat a similar situation to that country, which had now a prospect of being free from debt in another year. He had thought that, with the removal of Lord Castlereagh, we had taken leave of the Continent, and were in future to confine ourselves to the protection of our own shore, without interfering in the policy, or the affairs of other States. Recollecting that the design of opening the Scheldt had led to a war which involved us in an expense of 750,000,000*l.*, he was extremely averse to engaging in a similar enterprise, which seemed to be relied upon as the great merit of the present Government. He regretted that a right hon. Gentleman at that side of the House should have had an opportunity of saying that the statement made by the noble Lord, the Secretary for Foreign Affairs, reminded him of the good old

times of the Castlereagh system—of those times when the Holy Alliance dictated Constitutions to the States of Europe, and when millions of men were driven in herds, like cattle, and placed under whatever form of government Lord Castlereagh thought proper to prescribe. Such was the description of policy which had led to the present condition of our affairs. Would the House of Commons sanction the present extravagant and inordinate Estimates for such reasons as they had heard advanced? If they did, let no man in the country hope to have his Assessed Taxes taken off, or his burthens relieved. 15,000,000*l.* sterling for the Army, Navy, and Ordnance! What would be the effect of this enormous Estimate, which would certainly incur the disapprobation and censure of the whole country? It would enable the Ministers to interfere still further in the affairs of other countries, and to involve this kingdom in increased difficulties—[*the noise in the House at this time was very great.*] He saw that the House was against him—that what he was saying did not meet with their concurrence; but even that should not prevent him from taking the sense of the House, if he felt that his duty required it. But he thought he was called upon to make some allowance for the situation in which his Majesty's Government was placed, and to hope that those Gentlemen would see what the interests of the country required, and would feel the necessity of retracing their steps, and making some atonement for their deviation from that which was strictly the right path, by the nature of the Reform which they meant to propose. That Reform would give the country the means of redress, if it were effectual; and in the mean time he might content himself with having done his duty by protesting against the extravagance of these Estimates.

Lord Palmerston said, that the good humour with which the hon. member for Middlesex urged his objections to the propositions of his Majesty's Government was gratifying, particularly amidst the difficulties with which their proceedings were necessarily attended. The hon. Member had said, that he was surprised to find both sides of the House supporting these Estimates. Now, he confessed it did not excite any surprise in his mind, that in times when the tranquillity of the country was disturbed,

and when additional means were required to preserve good order, and to give effect to the course of the laws—he felt no surprise that both sides of the House should concur in such measures as were necessary for accomplishing those objects. He was perfectly persuaded, on the one hand, that this was not the first time that it had so happened, under such circumstances;—so, on the other hand, he was convinced that it would not be the last, if occasion offered, to require a similar degree of unanimity for the protection of the interests of the State. The hon. member for Middlesex found fault with the expression which he (Lord Palmerston) had used on a former evening, that the augmentation of force proposed in the present instance was merely with a view to complete the peace establishment. When he used that expression, he merely meant that all that was now proposed was to render perfect the establishment which had existed in the preceding year, and, in fact, for three years past, and, therefore, the present might certainly be described as a peace establishment, as compared with such an augmentation as might be required if any exigency obliged the Government to call upon the country to prepare for warlike operations. The hon. Gentleman had again adverted to the topics of foreign policy, to which he had applied himself on a former night. He (Lord Palmerston) should not be led by the hon. Gentleman's observations to go into any explanation on those points, but would simply assure the hon. Member and the House, that whenever the time should arrive when an explanation could with propriety be given of the course which had been pursued in those transactions, it would not be found that England had been dictating to other States in any matters appertaining to their internal constitutions. It was preposterous to suppose, that the addition of 6,000 or 7,000 men was proposed with a view of intermeddling in the internal affairs of other countries. His right hon. friend, the Secretary at War, had in his opening observations on these Estimates, stated fully the grounds on which that addition was proposed, and explained, that it was not with a view to anything connected with our foreign relations with other countries, but to the preservation of our internal tranquillity. He had no doubt that, if the time should ever arrive when his Majesty's Government

should find it necessary to call upon Parliament to maintain the interests or the character and the dignity of the country, the means would be readily provided; but, as he had said, the present augmentation was proposed, not with a view to our external relations, but to the internal circumstances of the country. He would add only one observation upon the system of external policy which the hon. member for Middlesex recommended. The hon. Gentleman said, we ought to withdraw from all concern with the Continent, to keep within our natural boundaries; and that, having disbanded our army, and dismantled our fleet, we might rely upon our insular position, and rest secure from any foreign invasion. Now, his (Lord Palmerston's) opinion was, that although our position was insular, yet we should not be the less safe from foreign aggression from the circumstance of our having a good army in readiness to defend us, and our shores guarded by a respectable navy.

Mr. *Fane* concurred in the proposed augmentation, but expressed his hope that a reduction would be effected whenever it could be done with safety.

Mr. *C. W. Wynn* said, he could never agree that the state of military force on the Continent was a ground for augmenting the military force of this country. It might be a sufficient reason for increasing the navy, but it was time enough for England to arm her military force, when her honour or necessity required it. It was not necessary to keep up a large military establishment for that purpose. Whenever the state of the country should admit of a reduction of the establishment now proposed, he should certainly be quite prepared, on the part of his Majesty's Government, to recommend it; but he did not think that in the course of the ensuing month, we should be better able to decide upon that point than at present. All he could say was, that he should call upon the House to reduce the force, at the earliest moment it could be done consistently with the preservation of tranquillity and order. He was anxious to answer some observations which had been made at the other side of the House. He was not aware that he had, either in the course of his observations this evening, or at any other period, complained of the estimates of the late Secretary at War. He would state again what he had stated before—viz., that he thought the country

was under great obligations to that right hon. Gentleman, for the steady and practical economy which he had introduced into his department; but still he hoped that further reductions were practicable. Several had, in fact, taken place; such as the reduction of the salary of the governor of Ceylon from 10,000*l.* to 8,000*l.* per year, and many more were in contemplation, particularly in the colonies, the detail of which could not yet be made public.

Sir *H. Hardinge* said, in explanation, that as the late Government had been accused of not having done enough in the way of retrenchment, he had thought it fair to ask what reduction the present Government had made in these large Estimates?

Mr. *C. Buller* was not satisfied with the reasons assigned for the proposed augmentation, and he thought that in such times of distress and difficulty, nothing but some pressing danger should have induced the Ministers to propose an augmentation of the military force.

Mr. *Littleton* said, that, in his opinion, the late Government were entitled to thanks for the assiduous and diligent efforts which they had applied to the work of reduction; and he was also grateful to the present Government for having made this addition to the force at so small an expense. He must say, that he had never been in any company where a great tribute of praise was not paid to his right hon. friend, the late Secretary at War, for the manner in which he had administered the affairs of that department while under his control. He (Mr. Littleton) was not afraid of his constituents knowing that he was in favour of a small augmentation of the force. Seeing the state of affairs on the Continent, he thought the Government was not departing from its principle, in making a small increase of the defences of the country.

Mr. *Hunt* said, the last hon. Member had praised both the late Ministry and the present Ministry, but he feared that he could praise neither. The present Ministry had promised a great deal in the way of retrenchment, and now they came forward proposing an augmentation of expenditure. They proposed a reduction of some 300*l.* on the one hand, and on the other hand, including the Yeomanry, and other parts of the additional force, an increase of 300,000*l.* or 500,000*l.* The effect of these measures would be, to place them in such

a situation with the country as would give them reason to be very much dissatisfied with the result. One hon. Member said, that the force was to be increased on account of the disturbed state of the country, while another said, that it was owing to the agitated state of the Continent. In God's name, he would ask, why increase the army from 81,000 to 88,000, and augment the navy by 3,000 men to put down disturbances in the country? And if it were done on account of the aspect of affairs on the Continent, he would say, that the measure was quite inadequate. He therefore implored the Government, for the sake of the people of this country—for the sake of the suffering constituents of the hon. Member for Staffordshire, who was friendly to this increase of expense, not to add to their burthens. With regard to the conduct of the present Ministers he begged to say a few words. If he understood the right hon. Baronet (Sir R. Peel) right, on Friday night last, the right hon. Baronet, in a tone of irony, congratulated the present Administration on the subjects of economy and non-intervention. His Majesty's present Ministers, observed the right hon. Baronet, pursued exactly the same course on those two heads as their predecessors. What had Ministers done, he begged to inquire? They had not introduced any economical plans to relieve the country, and they had interfered with other States. If the statements which had got abroad were correct, the five great Powers had been dictating to Belgium as to her future king. After the Belgians had fought for and obtained liberty, their only fault was, that they did not do, what was much better than elect a king—appoint a President, and have a republican form of government at once. A similar fault had been committed by the French people, who fought so bravely the three days of July. The error which the French nation had committed, after losing 8,000 men on those days which he had alluded to, was in not returning to a republican form of government. The hon. member for Windsor (Mr. Stanley) had taunted the hon. member for Waterford (Mr. O'Connell), and said, that he used very different language in that House from what he applied to the Dublin rabble. He (Mr. Hunt) had frequent opportunities of hearing the hon. member for Windsor, when they were candidates at Preston, and he could say, from that experience, that the hon. Gentleman appeared

as much pleased with a cheer from the populace as any one. He thought the hon. Secretary for Ireland had betrayed a warmth of temper, when speaking of the hon. member for Waterford, which was not warrantable. He regretted that the hon. Gentleman had done so. He felt assured, however, that the hon. member for Windsor would not taunt him with speaking different language at different places; and in order to put this to the test, if the hon. Member would remind him of any one sentence which he had uttered at Preston, he would repeat it to the House. He begged to say, he would repeat it to the House, whether it was orderly or disorderly—[*a laugh, and cries of "Question"*]. If hon. Members were tired of the debate—if they wished to go home—when the clock struck twelve (it was then ten minutes to twelve), he would move an adjournment of the House. He was reminded that the clock never struck; but when the hand pointed to twelve he would move an adjournment. The first question before the House was, whether the army establishment should be not only kept up, but actually increased for a year; since which, an amendment had been proposed, to vote the amount now submitted for three months only. He begged to say, that with neither of these propositions did he agree; and he should take the liberty of moving a further amendment, that, instead of 81,000 men being kept up, the number should be reduced to 71,000 men; and, if any hon. Member would second his amendment, he would assuredly divide the House. He had, on one occasion, proceeded to a division, and had a very small number voted with him; but he should not be deterred, on that account, from performing what he considered his duty. On the present occasion, he was anxious to show the people of England to whom they were indebted for voting, for the establishment of the army and navy, 15,000,000*l.* a-year. He had been much amused at the laudatory cackie which had passed between the present and the late Secretary of War. The present Secretary complimented the late Secretary, and then, to keep the game a-going, the late Secretary returned the compliment to his successor. It was a singular spectacle to see how Gentlemen, who went from the Opposition to the Ministerial side of the House, changed their opinions with their seats, just as if there had been some atmosphere about the Ministerial benches

which rendered such a change inevitable. He had been told, that there was an atmosphere in that House, which, before long, would work a change even upon him. He thought that was a mistake. He did not feel the change at present,—he did not expect that he should feel it, for he carried a little charm about him to prevent him from being contaminated. He would, in conclusion, say, that he had not heard one word from either side of the House that convinced him of the necessity of increasing the standing army. If, indeed, the country was in such a situation that it required 87,000 men for the service of England, it was bad indeed. If the country were in that condition, he would beg leave to ask, who was it that had brought it into that state? Could not the people of England be intrusted with arms? He would say, that they dare not intrust arms in the hands of the people of England. If arms were placed in their hands, there would be a Reform of Parliament within three months. Give them the Vote by Ballot, and the House might trust them with arms, for they would then feel that they had a share in making the laws, and would feel pride in protecting them from violation. Let the House bear in mind in what way the petitions were received. Members came down with the petitions of the people, day after day, in order to present them, but had no opportunity; and when they were presented, there was such a noise in the House, that the clerk, who read them, could not be heard. The hon. Member concluded by moving an Amendment, that instead of 88,000 men for the Army, the number should be reduced from 81,000 (the present force) to 71,000 men.

The Amendment having been seconded, Sir *Alexander Grant* inquired whether the hon. member for Preston intended the proposition to extend to a year, or three months?

Mr. *Hunt*.—For a year.

After the original question, with the two amendments, had been put by the Chairman of the Committee,

Lord *Morpeth* said, after the threat held out by the hon. member for Preston, with respect to moving the adjournment of the House, he should observe the limits prescribed of old to Cinderella. In what he should address to the House he should be very brief. He had always, hitherto, supported the principles of economy and Reform;

and notwithstanding the baneful influence which the hon. member for Preston said pervaded the benches on which he had the honour to sit, he felt that he was not giving a vote at variance with his former principles when he supported the original Motion. It had been described as a singular anomaly, that Ministers, who had obtained office by their economical pledges, should propose to raise the military force of the country from 81,000 to 88,000 men. A gallant Officer opposite had proposed to grant the necessary supply for this force for three months; but had refused to grant it for a longer period. The hon. member for Preston had refused to grant it at all, and had even proposed to reduce the army to 71,000 men. Now, he would put it even to that hon. member himself, whether circumstances might not render it expedient to have our forces so arranged, that at a moment's notice a large body of troops might be conveyed to a place of danger. In a single district, in a single hour, events might take place, through the machinations of turbulent men, which, if not instantly repressed, might occasion an expenditure which years of strict economy would not repair. That danger of this nature had recently existed in the British Islands, no man could deny: that it had now ceased, he believed all men would agree. The hon. member for Middlesex had used something like a taunt against the gentlemen of England, for not coming forward as the people of France had done, and forming themselves into ranks for the defence of their country. God forbid that the gentlemen of this country should act as their neighbours in France had done. Who could view what had so recently passed in that country, without feeling deep regret? Monuments of art had been destroyed, and emblems of religion cast under foot, by a tyrannical mob. The hon. member for Preston thought that the people of France had been guilty of a great fault in not establishing a republic. He (Lord Morpeth) should have thought that no man could have dwelt with pleasure on the recollections of the French republic. He concurred in the vote which had been proposed by the Secretary of War, conceiving the increase of the army to be a means of preserving order at home and peace abroad. He was sorry that such a necessity existed. He entertained the utmost reliance upon the pledges of economy which his Ma-

jesty's Ministers had given, and he was confident that they believed an additional force to be necessary, otherwise they never would have submitted such a proposition.

Colonel *Davies* said, after what had been stated by the noble Lord (Lord Althorp) as to the examination of some points to which he (Colonel *Davies*) had called the attention of the Committee, he would withdraw his amendment.

Mr. *Hunt* persisted in dividing the House on his amendment, when there appeared,—Against it 250; in favour of it 6—Majority 244.

The original Resolution, "That it is the opinion of this Committee, that a sum, not exceeding 2,796,043*l.* be granted to his Majesty, to defray the charges and expenses of the Land Forces for the year 1831," agreed to.

The House resumed.

List of the Minority.

Buller, Charles	Warburton, Henry
Hume, Joseph	Wood, John
Mahon, O'Gorman	TELLER.
O'Connell, Daniel	Hunt, Henry

HOUSE OF LORDS,

Tuesday, Feb. 22, 1831.

Returns ordered. On the Motion of Lord FARNHAM, Copies of the Reports made by Mr. J. Grantham, to the Lord-lieutenant of Ireland, dated the 31st December, 1822, and of the Memorial presented to the Lord-lieutenant of Ireland, on May 31st, 1825, by the Earl of Clancarty and the Marquis of Clanricarde, relative to removing obstructions in the navigation of the Shannon.

Petitions presented. By Lord KING, from the County of Somerset, from a Meeting at the Rotunda, from two Parishes in Ireland, against Tithes; from Naas and Navan, for an alteration of the Education Grants; and from Halifax, for Reform. By the Duke of GLOUCESTER, from Gloucester, for Reform, and against Slavery. By the Duke of WELLINGTON, from the Bankers and Merchants of Edinburgh, interested in the West-India Colonies, for a previous indemnity to the Owners of Property before the Emancipation of Negro Slaves. By Lord FARNHAM, from Kelkee, for a Repeal of the Union; from a Corporation Guild in Dublin, that the Parliament should sit every three years in Dublin.

DISTRESS IN IRELAND.] Lord *Darnley*, in presenting a Petition from Liskeard, for a Repeal of the Coal Duties, begged leave to advert to a statement that had been made in another place—namely, that in two baronies of an Irish county, where distress to a great extent prevailed, the proprietors of land to the amount of 14,000*l.* a year, had come forward with only 100*l.*, to relieve the public and acknowledged want. If such were the fact, he thought it a case deserving extreme reprobation.

Lord *Teynham* said, the charge amounted to nothing less than a proscription of the gentlemen of the County of Mayo, and he was satisfied that it was made without any foundation whatever.

Earl *Darnley* said, that he had not made any charge against the gentlemen of that county.

Lord *Teynham* did not say that the noble Earl had done so; it was the Secretary for Ireland who made the charge.

Viscount *Melbourne* said, it was altogether irregular to advert to a debate that had passed elsewhere, and of which their Lordships could not have an accurate knowledge. He did not know what the statement in question meant; but he was sure, that any assertion made by his hon. friend in the other House of Parliament, would be borne out by the facts.

REFORM.] The Marquis of *Londonderry*, in presenting a Petition, on the subject of Reform, from Ballindooly, was understood to regret that a question of such great importance, and on which so many conflicting opinions existed, should be brought forward at the present moment, when there was so much agitation both at home and abroad; when the policy of this country was likely to be affected by the revolution in France—which revolution, by the way, he considered to be attended with much more dangerous consequences than the first—and when Ireland was so seriously disturbed. He thought that his Majesty's Government ought to pause, and not to press forward a measure, which required the coolest deliberation and tranquil investigation. At the same time he begged some explanation of what had fallen from the noble and learned Lord a few evenings ago, with respect to the approbation of the Crown to the proposition intended to be submitted, as he did not consider it to be strictly correct to influence the votes of the Legislature, by an avowal of the determination of the Sovereign.

The Lord Chancellor said, that with reference to the question of the noble Marquis, he would only say one or two words, as they were met that evening to discuss Chancery Reform only; but he had no objection to repeat what he said on a late occasion—namely, that the plan of reform to which he had given his concurrence, was to be brought forward with the consent of all his Majesty's servants;

and that the measure had received the approbation of the Crown, inasmuch as any plan to be propounded to Parliament by the King's servants, must of necessity have the sanction of the Sovereign. With regard to the influence which an announcement of the pleasure of the Crown might have on the proceedings of the Legislature, all he could say was, that it would be extremely improper to attempt to influence the votes of any Member of either House in that manner. No such tendency could be imagined from what he had said, and the measure was to be brought forward in the House of Commons, according to the precedent set in the Rockingham administration, when the Cabinet Bill was intrusted to the care of Mr. Burke, who was not a member of it.

The Marquis of *Londonderry* felt gratified at the explanation of the noble and learned Lord; and if his Majesty's Government were determined to follow up their declaration, and to bring in a bill for Reform, he hoped that it would be a measure calculated to do as much good, and work as little evil, as possible.

Petition to lie on the Table.

REFORM IN CHANCERY.] Lord *Wynford* presented a Petition from Joseph Harrington, Westminster, who complained that he had been exposed to a Chancery litigation, the attorney's bill of costs for which amounted to 7,000*l.*; that he had paid that bill, with the exception of 1,700*l.*, and that the attorney held back a valuable deed, until that retainer was paid, and the cost of taxing the bill would amount to 1,500*l.* He had never practised himself in the Court of Chancery, but such a state of the law was worse than no law at all.

The Lord Chancellor addressed their Lordships to the following effect:—In rising, my Lords, to address your Lordships on a subject of the highest importance, I cannot dissemble to myself, I cannot dissemble to your Lordships, that I am placing myself in a situation of no small peril, of no inconsiderable anxiety; and that I am laying myself open to numerous severe imputations. It may be said, that the evils of the existing system have existed for so many years, and that it is so gigantic in its character, that any attempt on my part to expose their extent, or to propose for them any remedy, argues no inconsiderable pre-

sumption on my part. I answer, that my duty, my double duty, as a member of the Legislature, and as the Judge presiding over the Court in which the evils alluded to arise, prevent me from justly incurring this charge of presumption. I shall also be told, that wiser and greater men, men of much more experience than myself, have sat in that Court during the whole of their lives, without ever attempting, even in the maturity of their experience, and at the close of their career, what I am attempting at the very commencement of mine. My answer is this:—Those great and learned men, whose integrity was unspotted as their capacity was undoubted, have entered the Court of Chancery with the same desire that I entertain, to effect a remedy of the evils which exist there. But such is the nature of those evils, so great is their tendency to push up their shoots, to throw forth their ramifications, to let their roots spread,—enveloping and entangling all the neighbouring objects, that scarcely any Judge has begun the work of pruning, and made the attempt to lop the rank exuberance of these evils, before he has found himself perplexed and encumbered by the wide-spread system, and overwhelmed by his effort to remove them. This, my Lords, is the excuse of those eminent men for having passed so much of their lives in the Court, without accomplishing a reform, without affording redress to complaints, and without correcting abuses, which they acknowledged to exist, but were unable to master. But to me it would be no excuse—it would offer no palliation, if, wise by their experience, and warned by their example, I were not, in the very beginning of my course, to attempt to do that which, were I to proceed onward as they proceeded, I should be unable hereafter to effect. I state this, my Lords, at the outset, in order to meet the charge which I know will be brought against me, that I, who have held the Great Seal only a quarter of a year—it happens, by chance, that being appointed on the 22nd November, I am addressing your Lordships on the 22nd February—I, who have little or no experience, whose knowledge of the practice of the Court must necessarily be limited—I, a mere novice in the law of that Court, nevertheless begin with attempting what others, to the very close of their career, have not attempted—a change, an innovation, and to sum up all in one ex-

pression, so hateful, so alien to long-established habits, so sore, so agonising to the experienced practitioner—in one hateful word, “the head and front of my offending”—a Chancery Reform. Reform, odious and reprobated in all places, is especially odious, and especially reprobated there, where it appears as it were a monster, composed of two parts, so utterly irreconcilable and incongruous as Chancery and Reform. My answer to this charge I have already given, and, short as my experience has been in that Court, I almost already begin to feel those difficulties and those encumbrances, which have overpowered and mastered the good intentions of all my illustrious predecessors. I feel afraid that I am already, as it were, becoming attached to the soil; I am already in the course of seduction; I am getting involved in the integuments and entanglements which I have been describing as forming the excuse for my predecessors, and I, who came into the Court pouring out prayers for reform, am almost already incapacitated for attempting it; and if I remain there inactive a little longer, shall be wholly so.

“Vix prece finitâ, torpor gravis alligat artus;
Mollia cinguntur tenui præcordia libro;
In frondem crines, in ramos brachia crescent;
Pes modo tam velox pigris radicibus hæret;
Ora cacumen obit; remanet nitor unus in illâ.”

I feel that I am on the point, if I delay but one instant of fleeing altogether from the day, of becoming fixed and rooted in the soil; and that I shall flourish only like the laurel in the fable, a monument of her escape from the embraces of the god of light. These, my Lords, are the considerations which induce me, while I may, to break loose from the entanglements in which I shall otherwise be involved. I now proceed to the subject; and in stating the objects which I have in view, I shall deem it unnecessary to trespass on your Lordships with any observations of that which has been a subject of so much complaint—the delays of the Court of Chancery; being aware that when I pronounce this word, I shall recall to all your Lordships’ minds images of expense, of delay, of vexation; though I hope to none of more serious injury. But, my Lords, the usages of Chancery are not all evil. Bad as they are, they are, like the presiding Judge of another Court, not quite so black as they are painted. For those evils which do exist, however, it is well worth

amination; since, where the interrogatories and the examination are for one of the parties, the other party knows nothing either of the questions or the answers? He does not know even the questions; and how, then, can there be anything like a real cross-examination? And yet, sometimes, on these occasions, we have what, by a pleasant figure of speech, are called cross-interrogatories, on the behalf of parties who hear nothing of the examination in chief, and who can know nothing of either questions or answers. It is true, that this method of cross-interrogation is seldom resorted to, since it is found by experience to be too perilous, and generally quite as apt to serve the cause of the adversary as to prop up the case of him who has the rashness to use so indiscriminating and unmanageable a weapon. All, then, in these cases, is done in the dark; the witnesses are examined by an officer of the Court, who reads to them the interrogatories, and takes down the answers, and returns the examinations to the Court, where they are kept in *retentis* till publication passes, as it is called, and then, for the first time, they are communicated to the parties. Now the period of publication is sometimes enlarged for a long time, and much delay, vexation and expense are thereby occasioned to all concerned. Even if the examinations were taken down in the presence of Counsel and attorneys that would not be nearly so good as the system at Common Law, where one Judge attends and hears the whole of the evidence, and has himself the opportunity of questioning the witnesses, and of assisting the Jury, who have also seen and heard all the proceedings, by his observations on the evidence. Being satisfied, then, my Lords, of the great advantage of the practice of our Courts of Common Law, I propose to allow the *viva voce* examination of witnesses in Chancery, in presence of the parties, by their Counsel or attorneys. The fourth principle, and the last with which I shall trouble your Lordships at present, relates to the remuneration of the Judges and their subordinate officers, and they ought to be well remunerated; for where the highly intellectual labour is great, the remuneration ought to be correspondingly ample, though not extravagant: but what I say in point of principle is, that, generally speaking, the remuneration of the Judges and the officers of the Court ought to be by salary, and not by

fees. When you remunerate a Judge by fees on the steps of procedure, you expose him to the temptation of encouraging delay and expense in order to increase his own emoluments, and thus, in theory at least, if not in effect, set interest in opposition to his duty. To be sure the Judges in the higher Courts are not apt to be swayed from the straight line of their duty, whatever be the temptation. They are selected for their learning and their integrity, and are under the eye of a watchful public and a jealous Bar, many of the members of which have seats in Parliament, and a power to call the Judges to account. But in principle it is always unwise to suppose any man above the reach of being tempted, and neither they, nor any other functionaries, ought to be exposed to such temptation, nor placed in circumstances which, in vulgar minds, will generate the suspicion, when duty and interest are in conflict, that they may be unduly swayed by the latter. And although we should be, in fact, perfectly secure against malversation by the Judges, even under such circumstances, yet I think that it would be a most objectionable and unwise proceeding to place a Judge in a situation which would have the effect of lowering him even in the eyes of the public—to carry it no farther—and to subject him to suspicion, who ought to be not only pure in fact, but above all jealousy and suspicion. These are the grounds on which I say, that even the higher Judges, who act under the eye of a watchful public and jealous Bar, and who are themselves men of learning and integrity, the least of all men likely to be swayed by interested and selfish considerations—on these grounds I say, that even the Judges ought not to be placed in situations in which it is possible for any one to suspect that they can have any other object than that of the diligent, active, and impartial performance of their respective duties. But if this be the principle which ought to be kept in view, in reference to the higher Judges, it is still more important to act upon it in reference to all inferior officers of justice. They do not stand upon such high and open ground—they are not so much in the view of the public—they are not so immediately responsible to Parliament—and they ought to be carefully excluded from the influence of circumstances which would lead them away from their duty, or subject them to the suspicion of being open to corruption. There is one

nicety in regard to this point which ought to be noticed. A Judge doing his duty under the eye of the public will be induced to perform it well and diligently, since upon that will depend his fame and estimation with the public, and this although he should be remunerated by a salary and not by fees. But it is not always the same with inferior officers; and I am told that some inconvenience has, in several cases, been felt from remunerating inferior officers by salaries instead of fees; for it is said, that the consequence has been, that these officers are disposed to earn their salaries as easily as may be, and do not perform their duties so actively as if their remuneration depended on fees. But I think the true distinction may be made, and the line drawn somewhat in this direction. Those officers may be made dependent on fees, where the multiplication of the fees does not depend on their own discretion, and where they cannot be increased at their pleasure. Suppose, for instance, that the emolument of the Judge or the Officer depends upon a fixed fee, such as 1*l.* for every case decided, it is clear that it is the interest of the Judge or the Officer to try as many causes as possible, and it is equally clear, that this will not be productive of any undue delay for the purpose of multiplying fees, because the profits of Judge or Officer will be increased by despatch. Delay would then have no charms, for why should these officers keep a cause ten or twelve days for decision, when it may be ended in one? The great evil of the present mode of paying by fees is, that they are multiplied by delay, and so the officers have an interest in doing injustice to suitors. When the Officer is remunerated by fees on the successive steps of a procedure, then it becomes his interest to multiply the steps of any given proceeding before the conclusion, because he thereby multiplies the fees which form his remuneration. On the contrary, if the fees are made to depend on the conclusion of the whole business, then the Officer has no power to increase the amount of them, except by despatch. It is on these principles that the Bills which I propose to submit to your Lordships are founded, and the purport of which I will mention generally, without going into details at present; and your Lordships will, in the first place, have to consider whether the principles are in themselves sound; next, whether the enactments are consistent with the principles; and lastly, whether the details and

minutiæ of the measures are such as can, with reasonable facility, be carried into operation and effect. Having thus stated the principles and the points to which I wish your Lordships' attention to be directed, I proceed to state to your Lordships, very generally, the nature of the remedies which I mean to propose for certain inconveniences and evils which at present exist, as connected with the Court of Chancery, or with the functions of the Lord Chancellor. First, I must observe, that there is one great and remarkable branch of jurisdiction, which has been attached by the Crown to the holder of the Great Seal, which does not properly belong to the Court of Chancery, but which has from time immemorial been confided to its care—I mean the jurisdiction in cases of Lunacy. The care of lunatics is part of the Royal prerogative, the exercise of which is intrusted to the person holding the Great Seal for the time being. The Lord Chancellor, therefore, has the care of persons who are found lunatic, upon an inquisition taken under his own authority, and which he alone has the power to order. Now, very considerable inconvenience arises from the state of this jurisdiction as it at present exists. Whether we regard the very delicate nature of the trust which is to be executed, with reference to the lunatics themselves, and the feelings of their relatives, or the amount of the property which, in consequence of this authority, is subject to the control of the Keeper of the Great Seal, the jurisdiction is one of the very highest importance. The number of lunatics at present under the care of the Lord Chancellor is 400, all of whom have been found incompetent to manage their own affairs, by a Commission appointed by him to inquire and report on the subject; and the amount of the property appropriated to the support of those lunatics, for whose behoof the whole of the annual value of their property is not distributed, is 134,000*l.* a year; and that comprises only those cases in which no more than a part of the property of the lunatics is allowed for their maintenance, excluding those for whom the whole of the annual produce is allowed, and that amounts to about 10,000*l.* more. So that the sum administered by the Lord Chancellor, in the care and for the support of lunatics, amounts to not less than 160,000*l.* per annum. The whole amount of the fortunes of lunatics, subject to the control of the person holding the Great Seal, is no less

for the purpose; or that the Lord Chancellor always appointed them for their fitness, and not because they were personal friends, or connections of personal friends, then I should be guilty of most grossly flattering the Commissioners, my predecessors, and myself. I lately appointed two Commissioners as they are usually appointed, they are two excellent young men, very proper, in comparison with those who generally hold the situation, to fill the office with credit; still they are not the men that I should have selected as Judges, if the Court had been constituted as it ought to be, or if they were to be appointed to the same functions in a court of common law. I impute blame to nobody: it is the system, and it is the system that is to blame; and therefore, it ought to be as soon as possible destroyed. I have great personal respect for the Commissioners of Bankrupts, but I cannot say that the Gentlemen who now constitute the fourteen lists are perfectly well qualified to be Judges in such complicated cases as are many Commissions of Bankruptcy. I repeat, therefore, that if I were to say, that I had appointed persons most proper for the execution of the duties of the situation, or that my predecessors had always done so, that I should be justly chargeable with the most overweening self-seeking on my own account, and guilty of the grossest flattery to my predecessors. The jurisdiction is one of the greatest importance. The subject is of the greatest importance to creditors, to assignees, to bankrupts, and to the Commissioners; and it is of the highest importance that the matter should be placed under the superintendence of the most competent Judges. The Commissioners have a most difficult duty to perform, both in the way of examination and procedure—a duty which it seldom falls to the lot of a Commissioner to undertake before his appointment to that situation; and they have a still further duty to perform, which, to the same extent at least, does not often come in the way of the most experienced Judges; they have to bring the truth from those who are often extremely well disposed to concealment and fraud; and, added to all this, they have the extraordinary power of committing to prison bankrupts and witnesses, for not answering to their satisfaction—a power which though fortunately controlled, by their liability to an action at law, and which no other tribunals possess

except the Insolvent Debtors Courts'—is larger and more responsible than is intrusted to those who have to administer the ordinary functions of the law. With all these important duties to perform, having to decide questions of law as they arise, and having to ascertain questions of fact for close and rigorous examination, it does not appear to have entered into the head of any Chancellor or into the head of the legislature, for the Chancellor only fulfils the presumed wishes of the legislature, that these Commissioners ought to be men of the highest talents and attainments. Then as to the number who sit in one Commission, and the mode of administering the duties of the situation—there may be five of them at a sitting, although three of them only usually sit, and there being fourteen Lists the number of these Commissioners is seventy. The important judicial and inquisitorial duties they have to perform, require that each one of those seventy should be equal to the twelve Judges, but Westminster-hall cannot supply seventy such men, and therefore by their very number are Chancellors compelled to choose inferior men. The consequence too of this is, that they want rank and dignity in the eye of the profession, and want the means for preserving order in their Courts, and restraining the irregularities of Counsel. Sometimes, too, in consequence of their being not the chiefs of the profession, Counsel come to plead before them, who are men of much greater practice and experience than themselves; and then it may be supposed that the business is not conducted with that dignity and efficiency which characterizes the proceedings before able and experienced Judges, who have sufficient weight and authority to keep Counsel in awe, and check their vehemence and irregularities. There are some Counsel whose principal practice is before the Commissioners. But Mr. Serjeant Wilde has practised before them, and so has my friend, Mr. Pollock, and Mr. Montagu, leading Members of the profession. Such men go to plead before young men of twenty one, or old men of eighty-six, and they really decide the cases, and not the Commissioners. The barrister lays down the law for the Judge instead of taking it from him, and by the system which prevails of arguing, or I should call it wrangling, the time of Judges, barristers, bankrupts, and assignees, is wasted to no satisfactory purpose. From such Courts

recourse is too often had to the appellate jurisdiction of the Lord Chancellor. In case of an erroneous decision, or whether the decision be erroneous or not, the question comes before the Lord Chancellor on affidavits, the very worst possible mode; he has never seen the persons examined; he knows nothing of the manner in which the point of law arose; he is obliged to give his judgments solely on affidavits, making the appellate jurisdiction little more satisfactory than the original Court, and of his jurisdiction, where all is bad, it is sufficient to say that one part is not worse than another. The system is so bad, that it certainly must be altered; but how is it to be altered? Will it be sufficient to cut down the number from seventy to thirty-five? If we were to do that, reducing the lists to seven—still continuing five Commissioners to each—it would be a great improvement, for it is wiser to have thirty-five picked men than seventy not so picked. The Lord Chancellor has a good excuse for not putting in the best men, because his answer is ready—"How can I get seventy good men?" but thirty-five he might get. Shall we reduce each list to one—that would be good. If we keep the whole seventy, with all the faults of the number and kind of men, and make a regulation that none of the Commissioners of Bankrupts shall practise in the other Courts—that would be a benefit—because we should destroy the monopoly of these Courts. Shall it be said, that none shall be appointed Commissioners, except such as have been of some standing and practice at the bar? And shall they be remunerated by salaries instead of fees? That, at least, would be some improvement, as it would place them beyond suspicion in that particular. And then, shall it be made a rule that no Commissioners shall practise before other Commissioners, for each of them, as the case now stands, may practise before the thirteen lists, to which he does not belong, and in this mode of practise they have individually a great advantage; though by it the bankrupt's property may be destroyed by the Barrister upsetting the law which he establishes as a Judge. My Lords, the plan which I intend to propose does not stop at any one of these improvements it goes beyond them all. My Lords, no man is more cautious in the way of reform than the individual who stands before you. I have been derided and taunted by heated reformers,

both in and out of Parliament, as a timid reformer. I am, my Lords, a cautious reformer, anxious to tread upon sure and safe grounds, and I glory in the charge which they prefer against me; for what they call timidity I call wisdom. I prefer, my Lords, to sail with the lead in my hand when steering among unseen and unknown dangers, with breakers a-head and a rocky shore under my lee, upon which I might, but for this caution, be dashed to pieces. I love to proceed in a manner of which the safety is undeniable; so that I may easily retrace my steps, in case I should find it perilous to go farther. I have a disposition to lean to that side where the abuse exists and where a remedy is required, when that remedy can be applied without danger:—when there are no great obstacles, the removal of which may be attended with an evil as great as the abuse itself,—I am ready to go straightforward to my purpose. In such a case I would not propose to your Lordships any half-measures, nor insult you with the mockery of palliatives. What I propose is not a diminution of the number of Commissioners, nor the adoption of any of the other expedients which I have mentioned. I mean to propose that the system shall be entirely abolished—that the whole shall be swept away by one short and simple operation. But then it may be asked—What is to become of the vested rights of the Commissioners? My Lords, there are no vested rights here. I touch no vested rights—I meddle with no freeholds. We sometimes hear from lawyers of the feebleness of certain estates and interests; but of all estates and interests those of the Commissioners of Bankrupts are the most feeble. The whole depends on a letter sent from the Lord Chancellor's Secretary, informing them that they are to proceed upon such a Commission; but I may refuse to send any such letter, and may confine myself to only one list, and then a Commissioner, who found that he was never employed, might say, what is the meaning of this—is the bankrupt jurisdiction at an end? He would look at the gazette, and find Bankruptcies as before, and he would then see that he got no Commission because the Lord Chancellor did not choose to send one. In short the Commissioner has no interest but what depends on the person holding the Great Seal. A great hardship will, however, be suffered by the Gentlemen who have hitherto filled the situation

of Commissioners. Many of them are settled in life, with the idea that they are to retain their situation of Commissioners as long as they please; and, therefore, I propose to allow them an adequate remuneration on a large and liberal proportion; for I have always considered it very bad reasoning not to give full compensation in cases of this kind, when the good of the public requires the abolition of a long-established office. The Commissioners, I am bound to say, have put forward no claim. They have not held the slightest communication with me upon the subject; but however unpopular it may be, I do not think I can deprive them of their situations without a fair and liberal compensation. For popularity, in the ordinary sense of the word, I care not a rush. I look forward to honest praise for the conscientious discharge of the duty I owe to others and myself, and I desire no other public favour than that which I may fairly deserve. To the Gentlemen whom I thus deprive of the emoluments of their situations, I think I should give compensation, and thinking so, I propose that it shall be done. The public, however, will not suffer; for I propose that the compensation shall be paid out of the funds at the disposal of the Court of Chancery; and as the Gentlemen lose the compensation by being promoted in their profession, which many of them undoubtedly will be, in the course of eight or ten years, the burthen will be wholly removed. I repeat, I have always considered it hard for the country to refuse compensation in cases of this kind. It has a tendency to check improvement by the difficulties it invariably throws in the way of those who attempt it. It, in many cases, converts a hive of drones into a nest of stinging hornets, and such a transformation, by worrying the reformer, impedes the march of reformation. Parsimony in such cases is bad for the country and bad for reform, and if any one more than another should counsel us to give compensation in such cases, it is the reformer himself, for no money is better spent, nor is there any outlay which yields him such a large and liberal return of success and approbation. That I am not the only person who has held these opinions with respect to the jurisdiction of the Bankrupt Commissioners, I shall take leave to quote the opinion of a great and venerable law authority, whom I do not at present see in his place (the Earl of Eldon), but for whose accom-

modation, as well as for my own instruction and guidance, I have postponed on several occasions my present Motion. In a report of the proceedings of the Court of Chancery, I read, my Lords, the following words:—"The Lord Chancellor, on taking his seat, expressed the strongest indignation at the practice of the Commissioners of Bankrupts, and at the frauds which were every day practised, and particularly in the country, under cover of the Bankrupt Laws, and he expressed his determination to repress such practices." I read this from a report of the proceedings of the Court; but I think it necessary to premise, that, from the want of checks in the management of the proof of debts and the choice of assignees, it frequently happens that the Commission is sued out by a jobbing creditor, who is chosen also as a jobbing assignee, and he receives out of the estate a large fictitious debt, which he probably hands over, at the first opportunity, to the bankrupt himself. When, however, there are Judges appointed with a power to commit for prevarication, and to inquire thoroughly into, and sift out the whole state of the bankrupt's affairs, I have a confident hope that no such frauds can be successfully attempted. Your Lordships should know, that the Commissioners are at present liable to action for attempting to perform their duty with that severity which justice requires. There have been two actions of this kind lately against the Commissioners of the fourteenth List, which I am bound to say, has been the only one which dared to perform its duty. I was Counsel for the plaintiff in one of these actions, and I recovered damages; but I really must confess, that although a Counsel in the cause I regretted recovering these damages, and thought them unnecessarily severe. The consequence, however, has been, that these damages have proved a lesson to all the Lists of Commissioners; and knowing that they are, by the decision of the Court of King's Bench, liable to action for this exertion of their authority, none of them do venture to hazard a commitment for the sake of forwarding public justice. I now, my Lords, proceed to finish the extract which these explanatory observations have interrupted.—"The Lord Chancellor went on to say, that the abuses which had crept into the administration of the Bankrupt Laws were a disgrace to the administration

of justice, and that he thought it would be better to repeal all the Statutes on the subject than to permit their continuance. No mercy was, at present, shown to an estate. In the country it seemed to be a mere matter of trade, for the assignees to work the commissions with the utmost possible gain to themselves, and the least benefit to the estate; and the solicitors appeared to form their calculations on the number of commissions which they could bring in to be worked by the partnership. Unless, indeed, this system was attacked in its strong hold, he was satisfied it would soon become liable to some of the greatest abuses known to the laws." These, my Lords, were the words of the late Lord Chancellor Eldon, uttered on the very morning when he first entered his Court as Keeper of the Great Seal; but it would be exceedingly difficult, in any of the proceedings, of his long and remarkable tenure of office, to point out any instances of his following up the principles which he then laid down. And why was this? When his Lordship spoke, he was but just installed in office; he was new in the soil, and he waited to ascertain something more of it before he attempted his reforms; but he waited too long; he stayed till he became affected by the heavy air of the Court of Chancery; he found the adhesiveness of the soil too strong for him, he became entangled and entwined in the roots and ramifications I have before spoken of, and it was impossible, by any after-effort for freedom, to throw off the many shackles by which he was enthralled. Warned by his example, made aware by the failure of that noble and learned person, of the nature of the evils, and of the risk to which I am exposed, I have shaken myself free. I escaped at once from the trammels which might have been thrown around me, and resorted to the remedies which appeared to me to be meet for the evils, before I became inoculated by the disease which I wished to extirpate. The proposition I have to offer to your Lordships is then briefly this. I propose that there be ten Judges on commissions, if you please to call them so, appointed in the stead of the seventy Commissioners of Bankrupts. I could have wished to name a smaller number, but after discussion on discussion—after taking into consideration the amount of business which they will have to transact, and looking at the degree of ability and information which will

be required to fill the situation, and the time which these Commissioners, or Judges, must devote to the duties of the office, for we intend that they shall sit in vacation and out of vacation; in the long vacation as well as the short one, and throughout all the Terms—looking at all these things, I have been compelled, most reluctantly I confess, to prefer a number much greater than I originally intended. One by one, however, I have been deserted in opinion by all whom I have consulted on the subject. Taking into consideration the nature of the work required, the qualifications necessary for the office, and the time occupied in its duties, they have one by one dropped off from me, with the assurance that ten was the very lowest number with which I could hope to effect my objects with respect to bankruptcy, and I was left, at last, alone in my desire to have a less number. At first, I was for six Judges or seven, but those whom I have consulted maintain that ten will be absolutely the smallest number I can name to perform the duties. This was, in the opinion of all, the lowest number, and but few of them I consulted were disposed to agree to any thing so low. I was the more disappointed with respect to the numbers, because I feel the difficulty of selecting so many persons who are thoroughly competent to perform the duties of the situation; but when I see fourteen lists of five Commissioners, three always sitting and relieving the others, and yet without giving any satisfaction in the despatch of business; and when I calculate the number of cases to be heard, and the circumstances under which they are to be heard, and when I look forward to the prospect of a diminution of the business of the Insolvent Debtors' Court, to such an extent, that we may hope to have it gradually transferred to the new Judges, and the three Judges of that Court entirely got rid of, I see that ten is the least number of Judges I can venture to propose. I wish it to be understood, however, that the functions of these Judges are to be divided into two parts—the Administrative and the Judicial, and that they are to be composed of three descriptions of persons. The first Judge I propose to make the chief over the whole administration of the Bankrupt Laws of the country. In the second class I propose to place three senior Judges, persons chosen from the higher walks of the profession, and through whom, in conjunction

with the chief, I propose to have the whole of the contested points in Bankruptcy ultimately decided. And in the third class, I place six junior Judges—men who are hereafter to rise to the higher rank—not as a matter of course, but in proportion as they may exhibit talent and learning to entitle them to promotion. To the whole of these Judges I would commit the jurisdiction in, and the administration of, the whole of the laws connected with Bankruptcy. I now proceed to show in what manner I propose to dispose of the business now transacted before the fourteen lists of Commissioners. To a single Commissioner, a Judge taken from the third, or junior class, I would give the power of adjudication in all cases where there is no dispute respecting the choice of assignees, or the proof of debt, or any of the ordinary business. When, however, a question of that kind does arise, I give this Judge power to adjourn the Court, for the purpose of calling to his aid two others of the same rank with himself, or one of the senior Judges, and they are then to have power to examine evidence on oath, and to take down that evidence or not, as they think fit, in the ordinary manner in which it is practised now in the Courts of Law. If, on this examination, the dispute cannot be settled, and the parties, both of them I mean, agree to go to trial on an issue, they may do so at once, and without any delay, before one of the senior Judges, or the Chief Judge, assisted by a Jury, in the same manner as in the Courts of Common Law. If, however, both the parties do not agree, on an issue, but only one of them, then I give the Judge the power of deciding, and give the party not consenting, a power of appealing to another Court, composed of the Chief Judge and the three senior Judges, sitting as the Judges of the Court of King's Bench do now in Banco, in order that they may there, as in that Court, determine the question of law. This Court shall decide also motions for rehearings and new trials. The appeals, however, I confine to the mere question of law. In the event of one party only agreeing to an issue, I do not allow the fact to be tried by less than three of the Judges, with the assistance of a Jury, and subject to all the ordinary rules and regulations, and motions for new trials. With respect to the examination of witnesses, I propose to give that power, in ordinary cases, to one of the junior Judges; but if difficul-

ties arise in the course of the examination, or if any obstacles or impediments are raised by the witness himself, then I transfer the examination to three of the junior Judges, with full authority to commit any person who prevaricates, or refuses to give his evidence to the satisfaction of the examiners: an appeal against that commitment lying to the Chief Judge, but the Judges being in no instance liable to an action for damages for their conduct towards the witness. One word with respect to appeals to the Lord Chancellor. I propose at once to cut off all appeals, except on matters of law. I conceive, that if the truth in matters of fact cannot be got at by the exertions of three Judges in one case, or of one in another, and with the assistance of a Jury examining the evidence, and marking all the four *viva voce* testimony—how, in the name of God, can it be discovered by the Lord Chancellor, with written depositions and interrogatories, and all the *formula* which accompany appeals. If the parties consider the direction for the issue wrong, they can apply to the higher Judge, as they do now in Common Law in Westminster Hall. If they are not satisfied with the verdict, they can move for a new trial, and what then could the Lord Chancellor do more than to order a new trial or refuse it; and what, I ask, would be the defence for permitting an appeal to the Chancellor, save the desire to increase and to prolong those vexatious delays and ruinous expenses, which it is the whole object of the arrangements to prevent. I reserve the appeals on matters of law, as well from the superior Courts in Bankruptcy as from the inferior, but I cut off all appeals to the Great Seal, except on matters of law, and I will answer for it that we shall not hear then of ninety-nine of every hundred of these appeals in bankruptcy which now occupy the Vice-chancellor for two months in the year, and the Lord Chancellor for more than one, and of which the number of arrears have been so much a subject of complaint. I am convinced, indeed, that under the new, and I hope I may say, improved system, the evils to which these appeals have given rise, will be wholly eradicated, and certainly, my Lords, I hope, as one consequence of improving the bankruptcy jurisdiction, that the business of Chancery may again be carried on, as it was formerly, without the assistance of the Vice-chancellor's Court. I will now,

with your Lordships' permission, say a few words about the Country Commissions. In conformity to the principle of action I have already laid down and explained, of acting at all times experimentally rather than proceeding too much in obedience to theory, I propose to make but a slight, although, I conceive, a very important change in the constitution of Country Commissions. All that I have said of the delay, the embarrassment, and the incorrect practice in the proceedings under a Metropolitan Commission, fall infinitely short of the mere outline of the workings of a Country Commission. Those Commissions are, in truth, turned into a mere source of patronage and emolument, at the expense of the estate of the unfortunate bankrupt and his creditors. The law requires that there should be five Commissioners, and that two of these should be Barristers. It is generally contrived, however, that the Commissioners shall be composed of three Solicitors and two Barristers; but they always take care to select Barristers resident in the Metropolis, who, they are sure, cannot, or will not attend, and the remaining three are left to act without restraint, or merely employ themselves, by every means in their power, not to decide the questions brought before them, but to contrive by delays of every kind—for they are paid by time and duration of sittings—to increase the profits which they always calculate on from the enjoyment of a Commission. It is my intention to extend to them the principles of the act I now propose for the metropolis, and I contemplate, at no distant day, the possibility of Bankrupt Judges going Circuit at fixed periods, like the other Judges; but at present I shall content myself by endeavouring to eradicate one great evil, by requiring that the Judges of Assize shall, from time to time, select and form a list of all such Barristers residing in the county as they may think competent for the purpose, together with a few of the more respectable Solicitors, and that the names of those persons be returned to the Keeper of the Great Seal, in order that he may select from them three persons to be put on the commission which the cases of bankruptcy may from time to time require. I, for my part, should prefer only one Commissioner; but, leaving that open to consideration, I propose that to persons thus chosen and recommended the country cases shall be, for the present,

left for decision. These cases are at the present moment, on an average, not more than 700 in number, which, from the prosperous and comparatively healthy state of the country, is, I am happy to say, lower than we have seen it for years. Having said thus much with respect to the important point of bankruptcy, I now proceed to that other branch of my subject, the mode of taking evidence and the fees of the office, and those other causes of delay and expense in the administration of justice in the Court of Chancery; but first I will say a word of the Masters in Chancery, whose income at present is chiefly derived from fees. I propose, then, that the Masters should no longer receive any advantage from the taking of fees, but be paid by a salary. Originally the Masters were paid partly by fees and partly by the keeping of the Suitors' fund, which was intrusted to their care. This money, on the ground that they were under-paid, they were in the habit of letting out to interest for their own profit; but in the year 1720 the Masters, tempted by visions of profit, speculated in the South Sea Stock, and proving unfortunate, like many others, six of them were declared to be defaulters; and immediately on this, the Masters were ordered to give security. A regulation was then made by the Lord Chancellor, limiting the control of the Masters over the Suitors' funds; but on a seventh Master becoming a defaulter soon after, Lord Macclesfield took the control of the funds from the Masters altogether. The conduct of some of the Masters was afterwards urged against that noble and learned Lord, who was as excellent a Chancellor as any who had succeeded him, and who certainly did not deserve the impeachment brought against him. That noble and learned Lord laid a report on the Table of this House respecting the taking of fees as salaries, in which, on examination, your Lordships will find some excellent principles laid down. Another report was presented to the House of Commons in the year 1798, by Mr. Abbot, afterwards Lord Colchester, in which the subject of fees is again taken up. It is there said, that no inquiry should be made whether a fee was claimed by established practice, but whether it was one which ought to be continued, and if it was not, it should be cut off. Accordingly, it was recommended that some of the fees

then existing should be abolished, and amongst others those called Copy-fees, as unfit to be continued. I might also instance the recommendation of the Chancery Commissioners in 1826—that fees as salaries in most cases should be done away with. Bottomed on these recommendations, and in compliance with the desire of the country, I now propose that the whole of the fees of the Masters in Chancery shall be abolished, and that their Clerks shall be paid a sum never to exceed a *maximum*, but so collected and paid as never to give an interest in the multiplication of expenses and delays to the suitor, and at the same time afford them such a stimulus, in the way of emolument, to the performance of their duties, and to the advancement of the proceedings of the cause, as would keep them from falling asleep, and supply a fair stimulus for the speedy despatch of business. Looking at the emoluments enjoyed by the Masters, I find that in 1791 both the Master and the Registrar received large additions to their salaries; and they now possess 4,000*l.* a year, on an average, which really seems to me a tolerably handsome allowance for a gentleman. One of the Masters, a very excellent friend of mine, of whom I wish to speak with all respect, has above 4,700*l.* a year, and his clerk enjoys an income of 1,600*l.* a year; another of these clerks has 2,500*l.* a year, and one only 1,000*l.*; but he does not take copy-money. There is, however, among those fees, one of the very worst kind, called gratuity-money, which, although I might find some other phrase for it, cannot be known by any name half so concise as that by which it is known to the suitor who seeks for justice, and to the public when they have occasion to speak of it, and that is, the appropriate and ordinary name of a bribe. This bribe is, however, not paid to the Master. I wish it was, because the nature of the gift, and the notoriety of the allurement, would tend to destroy all its pernicious effects. These gratuities have been denounced before. They were exposed so long back as the time of Sir S. Romilly, who, in moving for a Committee to inquire into the subject, obtained the casting vote of one of the Masters (who had never heard of the practice of taking gratuities, and who was disposed to trust to the assertion of Mr. Perceval—that no such thing existed), purely on the private and solemn assurance of Sir Samuel, that the fact was

beyond doubt. On the information of Sir Samuel, that as much as 50*l.* was frequently received in the shape of a gratuity, this Master made inquiries, and was assured in the most solemn manner, that no sum beyond 5*l.* had ever been taken, except on one occasion, when extraordinary despatch was requisite, and then he had 10*l.* Shortly afterwards the fact came out through the means of a dispute, that this very man who made the denial had frequently received 50*l.* and on the examination of his books it appeared that his gains from this source were 1,500*l.* a year, in addition to the 700*l.* or 800*l.* he derived from legitimate sources. From that moment, however, all gratuities ceased in this Master's Office. It is, indeed, the duty of those on whom the power devolves, to take care that practices of this kind cease in all the offices. It is the bounden task of the superior, not only to keep his own motives free from all sinister interpretation, but to take care that his subordinates should be also free from reproach. I do not so much blame the Masters as the practice of the Court, but it is the duty of the chief of the Court, and now my duty, and I mean to perform it, to prevent all such abuses in all the subordinate offices of the Court. The task, I know, is a dangerous one, because I may be involved in a whirlwind of hatred and self-interest—it is an irksome one, because I am compelled to meddle with the affairs of men, with many of whom I am on terms of friendship—it is a laborious one, because I cannot hope in one day, nor in many days, nor even in years, to bring it to a full and satisfactory conclusion; but it is the bounden duty of a man placed in my situation to begird himself for the task—to bring whatever qualities he may possess honestly and laboriously to the accomplishment of his object—to let no means escape him which can be fairly and honourably applied to the removal of abuses—if he meets with difficulties, to labour to surmount them, but at all events to let it be seen with whom rests the responsibility of objection—on whom must fall the consequences of delay—I mean to place, in fact, the saddle on the right horse, and to show that I at least have played my part in the work of reformation. For assistance to accomplish so great a task, I throw myself, therefore, on my Peers, and on my country; I call

on them to support me, and if I fail, I shall at all events look into my own bosom with satisfaction, and console myself with the reflections of an approving conscience, having faithfully and honestly endeavoured to perform my duty. Therefore, as long as I sit on that seat (pointing to the Woolsack) there shall be no gratuities, therefore there shall be no charges,—therefore there shall be no shade or shadow of turning—there shall be no imputation that justice is hastened or delayed as expedition-money is given or withheld—therefore shall there be no speaking without action, therefore it shall not be said of us as of the Pharisees of old,—“ Woe to ye, hypocrites, who make clean the outside of the cup, while all within is rottenness and corruption.” There shall be no repose—no relaxation in my efforts—no folding of the hands to sleep. I shall use my endeavours, with the assistance of Parliament and the country, to put an end to these crying abuses; and if I do not effect all the reforms I contemplate, it shall not, at all events, be said of me, that I did not make the attempt to reform them. I have hitherto shown but the outside of this gratuity business. It may be asked, who pays it? Why, the attorney to be sure. Does he do it for nothing? No, he pays it for his client, and he tells him it is expedition-money. I shall come to that presently; but here I would say, that against payments of this kind, for all purposes of such a description, it is the duty of the Court to protect the client. If the Clerk can get rid of the business quicker, he should possess a fair remuneration for doing so to all. If he cannot do it without sacrificing the interest of some other suitor, it is doubly objectionable; and under any view, whether of public justice or expediency, it is right that it should be abolished. But then there is another question connected with this matter. The Clerk who receives this gratuity, or expedition-money, has another function attached to his office; on him falls the delicate and difficult operation of taxing the very bill of costs of the Attorney who has paid him the money, of course on account of using expedition for his client. Your Lordships now begin to see some light thrown on those transactions. The judicious Clerk has received from the Solicitor, a very worthy man, and one who, it will be perceived, knows how to

invest his capital to advantage, the sum of 50*l.* of expedition-money, on account of the interests of the client, and then, when it comes to the turn of the judicious man, he repays this sum with interest, to the worthy man, by passing lightly over some 100*l.* of his bill, which he might not otherwise be disposed to tax with so much lenity. It will be seen, therefore, that the worthy and the judicious man both thrive by this means in their separate calling, and that the worthy man's seeds produce a most excellent and abundant harvest; and the better, perhaps, because he did not pay for his seed, but received it from his client. I now come to the client, whom I have hitherto kept pretty much out of view, as much as the object of the payments was kept out of his view during the progress of the suit. Pay-day, however, comes, and then I suspect the client is the only important person of the set. I do not, be it recollected, say that these things take place every day. Far from it—I believe they are not frequent; for the class of Solicitors are, generally speaking, a more highly respectable class of men than the Attorneys who represent the same situation in the Courts of Common Law; but what I wish to say is this, that the respectability of the solicitor is the only security possessed by the client for his abstinence from practices like those, which are always in his power. The fact of its being in his power is, therefore, in my opinion, quite sufficient to justify all proper measures for putting an end to the system; because, although it may be proved, as indeed I believe it can be proved, that such tricks are seldom resorted to, it will not be enough unless it be also proved, which it cannot be, that it is not in the power of the solicitor to resort to them. I come now to the separation of the administrative and judicial functions, and to the substitution of *viva voce* examinations in the Master's Office for the system of Interrogatories, and to the other means to be adopted for the improvement of that branch of the Court of Equity. I think, then, that the Masters should henceforward sit in open Court, at such hours of the evening as may be agreed on; and I am of opinion, that such arrangements can be made, with respect to the dispensing with their attendance on your Lordships, as will enable us to carry that plan into effect with little or no inconvenience to us or to them.

I propose, therefore, that three of the Masters in Chancery should form a Court, to sit every evening for the purpose of hearing exceptions to their own reports, and that portion of business which, at the present moment, occupies so much of the time of the higher Courts, but which, from its very nature, can always be more fitly determined by the Masters themselves; and when that arrangement is carried into effect, I am confident that the number of cases of exception will be reduced in the proportion of ninety-nine to a hundred, just as I am satisfied that the alteration proposed in the Bankrupt Court will reduce ninety-nine out of the hundred appeals from that Court to the Lord Chancellor. If I am right in speculating on this result, and I believe I am, then will come the question of reducing the Court of Chancery to its natural and ancient limits of two Courts, in which the business may be speedily and effectually disposed of, without the assistance of a Vice-chancellor, or any other additional Judge; and then I hope will be fulfilled the declaration of Sir John Leach and Mr. Canning, in the celebrated Debate on the subject of the appointment of the Vice-chancellor—that by a judicious reform, that Court had Judges enough to go on without such an appointment. I hold this now to be possible, and I hope to make such arrangements in the course of the summer as will enable me to get rid of the greater part of the arrear before the Lord Chancellor, while the Master of the Rolls has prepared a plan for the despatch of the arrear before the Vice-chancellor. That second Judge—the Master of the Rolls—I cannot name to your Lordships without paying my tribute of respect due to his exalted worth; he is a Judge whose delight it is to decide, whose quickness keeps pace with his learning, and who, in all that constitutes a great and profound lawyer, has never been equalled by any one, save that eminent man, Sir William Grant, one of his predecessors, to whom be it said, to his honour, no other can be compared—he is equalled, I say, by no other who ever sat on the bench which he occupies. The other great and important alteration which I propose with respect to the Masters is, to release them from the necessity of dealing with affidavits, and reviewing bills of costs, sending them at once to the office of the Six Clerks. I postpone, however, my explanations on

the details of this and some other portions of my plan, because they are as yet not fully matured; and because—although the nature and extent of the fees, and the system of taxing costs, have been fully examined—the arrangements to be substituted in lieu of them are not yet fully digested. The proposition for having recourse to *viva voce* examinations, instead of interrogatories, is, however, I am glad to say, fully admitted and approved of. I could have wished to give a Jury to assist the Masters, and that on their decision should depend the issue to be tried, as in other Courts, and in the same manner as in other cases of Jury-trial; but I find so many difficulties in my way, there is so much opposition, so many conflicting interests are to be reconciled, so many adverse claims to be settled, so many plausible reasons are advanced why that change should not be made—reasons too plausible in appearance for me not to fear that they might conceal something which ought to make me hesitate, though they are, perhaps, not well founded; and I could prove the error lurking below them if I could bolt the bran from the meal; yet, fearing that they may conceal something, and wishing not, in making any reform, to subject myself to the charge of rashness, I propose for the present to stop here, being willing to look forward to a more favourable time for making the improvement complete. There is no consummation, however, which I think more to be desired, or more important, than to introduce the assistance of a Jury into this branch of the administration of justice. That would put an end to much expense, and to the system of dark interrogatories, and I am anxious not to omit it, but, as I have stated, the time is not yet come when all the difficulties in the way can be surmounted. My Lords, I am anxious to avoid everything which may be considered as not bearing upon the merits of this question; but I must state, that in the Registrars' Office it is in contemplation to effect many alterations, the chief of which will be the abolition of copy-money, and the substitution of salaries for fees. When I name this, perhaps, my voice will be considered of woeful import to many; but when I find the great extent of fees, and the great expense of copy-money, both pressing hard upon the suitor, it is, in my opinion, a matter of paramount importance to them, that an abolition of the present

system should speedily be effected. Without satisfying these heavy demands, the suitor cannot hope to proceed one step; and thus the evil remains from day to day, from year to year. Fearing lest my imperfect experience should lead me astray, and anxious to derive sufficient authority upon the subject from authentic sources, I have taken occasion to refer to the Report of the Commissioners appointed to inquire into the state of the Court of Chancery. I find, then,—to put one case, as an illustration of the existing evils which I have endeavoured to explain to your Lordships,—that, in a bill of costs amounting to 1,474*l.* (your Lordships must not imagine this a large bill for Chancery costs; I have seen one that amounted to 8,000*l.*) were included the following items:—Charges in the Masters' Office, 238*l.*; Registrars' Office, 100*l.*; Clerks of the Court, 104*l.*; gratuities about 40*l.* Of the charge made of 238*l.* in the Masters' Office the larger portion is for copy-money, and amounts to 132*l.* I have seen other bills of costs, and it occurs to me that, upon one occasion, where the whole amount of the bill of costs was 17*l.*, (certainly a very small amount for a Chancery suit), 11*l.* was paid by the unfortunate suitor for fees alone; and I also find, both in the Masters' and Registrars' Offices, that the fees are chiefly derived from copy-money. In fact, I find that fees and copy-money form the bulk of the expense of all suits. I find, too, that the copying clerks charge 6*s.* 8*d.* per folio for which a stationer would charge three farthings, and all above this latter sum is an unnecessary expense. But very often a party does not even want the copies. "Good Master," he says, "do not trouble me with copies, I have originals. Good Clerk, copy me no copies, I shall be better without them. Kind Sir, I do not want them." But then comes the mischief, for unless the copies be taken nothing is done, which your Lordships will say, in Chancery is a very great favour, and so the suitor would think if he could run away from his suit and the Court; but if you have an estate in Chancery, if you want to draw money out of the Court, you must take copies of all the papers, or not one step can you proceed. "Why should I (says a suitor) take copies when I do not absolutely want them? I have got the original in my answer, my attorney made a copy, I have them in the briefs for

which I have paid." "You must take copies" is the answer, "and must take them from each department, or your suit will make no progress, and never come to an end." I will suppose that there is to be an auction held, the parties are called upon to receive from the Master a bill of particulars, the Clerks demand fees, the bill is printed, the parties pay for that bill, they pay the printer. "Why," they say, "must we have copies?" "Oh," says the Master, "that won't do, you must have a written copy; and when you have a written copy, and have paid your fee, you are provided like a gentleman." Does the Court lend its authority to these gentlemen to make those demands? The Court says No—the Court says, that no more copies shall be charged than the one actually made. On what, then, is founded the claim for all the parties to pay for written copies? The order of the Court says, no more copies shall be paid for than one—though I speak from recollection, for I have not lately seen the order—but the Masters and their clerks make the suitor pay for one for each bidder. Do I blame these officers? I do not. I impute no blame to them, for the Court has known, and therefore has sanctioned, their practices. The Masters had not a farthing of salary for many years—it is the system, therefore, which I blame—the Masters had not a farthing of salary, except that sum which was voted to them in 1798, out of the Sutors' fund, of 600*l.* a-year. They were made to look for their incomes to taxing the suitors. In the Court of Chancery, too, the Judges are paid by taxes on the suitors; this is not the case with other Judges; those of the Court of King's Bench, for example, who are paid out of the Consolidated Fund. It may be correct to take fees from the suitors, to levy on them all the expenses of the proceedings; it may be proper to make Chancery suitors pay the Judge on the Bench, and pay the expenses of the Chancery Court—it may be right that the suitors should be taxed; all this I will admit; but then, I contend that no more should be taken from the pocket of the suitor than goes to pay the expense of the Court and the Judge. He is obliged, however, to pay for much unnecessary writing, which is a clumsy, stupid, unjust method of raising from the public three times, and from the suitor three times, as much as would pay the one

Master and the one Master's Clerk, which are all that are necessary. I repeat again, that I do not blame the Master; I blame the system. These, then, my Lords, are the bulk of the changes which I propose; and I will only shortly advert to the advantageous results which I think will take place. We shall get then at a better knowledge of the cause; we shall get better decisions, and we shall get them quicker; we shall get at the truth; we shall feel confidence in our Judges, and we shall get speedy justice; and, as a condition of all these beneficial results, my Lords, we shall get a great diminution of the expense: so that we shall make, I hope, eventually, the Court of Chancery so rapid in its proceedings, and its proceedings so few, that we may dispense with one of its Judges. I will now, my Lords, very briefly refer to the general and ultimate results of the alterations I propose. But before I do this, I must revert to another subject. I have on several occasions appeared to myself as if I had forgotten something, and after having sought for it in vain, I have now found it; and I will go back to that, as it is a subject which will give, I believe, great satisfaction in the City of London, and will be, I believe, one great improvement in the management of bankrupts' estates. The assignees to these estates, as at present constituted, are a great source of expense—and for this I have the authority of Lord Eldon, who has on more than one occasion expressed his dissatisfaction with the present system. The assignees are in general chosen from among the principal creditors to the estate, and having a great stake in the concern, are generally supposed to be more anxious to make as much as possible of the estate. They may be supposed also to regulate the expenses in the best manner, and to understand the whole business. It is obvious from their functions that much must depend on the choice of assignees, and, as a general principle, the person who has most interest in the bankrupt's property, and most concerned in winding up his accounts expeditiously, is a proper person to be chosen assignee. But the misfortune of this system is, that the assignee acts alone, and there is no check over him to whom much must be confided. I propose to add to the ordinary assignee one in whom the Court can confide; I would take from that list of respectable persons, merchants, and others

well acquainted with the affairs of the world, though they no longer devote themselves to active business; I would take one assignee from those men, who are all known to be gentlemen of great experience, and who are now the Special Jurors of the City of London. Many of them would do honour to any situation or any place—they have been active men of business, of most respectable characters, of unsullied integrity, and would not dishonour even the Bench itself. I have frequently seen them in the box at Guildhall, and I know that it would often be in vain for the Judges to try causes without their assistance. Let, I say, a list of twenty-five or thirty of these gentlemen be formed, after due deliberation, and let the Chief Justice at Guildhall, or the Chief Justice of the New Bankrupt Court, always appoint one of the gentlemen from this list as the assignee of the Court, to be a guide and a check on the other assignee; and let there be one to each Commission of Bankruptcy; and that will, I am morally certain, give to the creditors of the bankrupt the best security they can have that the estate will be properly managed. It will perhaps astonish your Lordships to learn that, at present, the floating average amount of unclaimed dividends is not less than 250,000*l*. They ought to be divided; the last Bankrupt Act orders that, after the lapse of a certain term, to be done; but sundry excuses are found to avoid complying with this part of the Act of Parliament. A great many persons would be glad to have their dividends; but they consist of too small sums for them to seek them, or they are at too great a distance; and so, as I have stated, the amount of unclaimed dividends at present is not less than 250,000*l*. It happens, too, sometimes, that the assignees, who are in trade, become bankrupts themselves, after they have obtained possession of the bankrupt's property. Even this morning, a case of this kind came before me in the Court of Chancery, the gentleman having in a short time lost 81,000*l*., which would be sufficient to break half-a-dozen ordinary men: he was an assignee to a bankrupt's estate, and though he is yet a rich man, your Lordships will see, when such an event occurs, when an assignee fails with the whole of a bankrupt's property in his hands, in what difficulties it involves cases that are already complicated. The assignee has, indeed, no right to make a profit on the bankrupt's

property—it is his business to divide it; but he is solicitous only to secure himself, and turn the property in his possession to his own advantage, which will, I think, be prevented, and the division be always and best accomplished by appointing, as the Court's assignee, a man on whom the Court can place confidence, and in whom, in conjunction with the assignee appointed by the creditors, the whole of the bankrupt's estate shall be vested. This is the outline of my plan, and its beneficial results will be these:—It will, I think, shorten, cheapen, and facilitate, the business of the whole department of Bankruptcy, and of course facilitate the despatch of business in all the Courts of Chancery. It will now be my pleasing task to call your Lordships' attention to some of the benefits of this plan in detail, and it will, I am sure, be satisfactory to your Lordships to learn, that it will diminish both the patronage and the expense. I have carefully calculated the cost, and I can assure your Lordships, that it will be much less for more efficient work. In the first place, my Lords, we shall get rid of seventy places, filled by gentlemen at considerable salaries, and we substitute for them only ten places, thus reducing to that extent the patronage of the Great Seal. I shall propose, however, that one Conveyancing Master be added to the Court of Chancery, in order to save it from that stigma which is now thrown on it, of being obliged to refer to a common Conveyancer to ascertain if a title to an estate be good. At present, my Lords, when any questions concerning a title come before the Court the Court is obliged to refer them to a Conveyancer. I say, that this is not fit and proper. I hold, that the Court which has especial cognizance of such cases, is bound to say if the title be good. That is a high branch of the law, and the Court cannot plead ignorance for not performing this part of its duty. I remember, on one occasion, that there was a dispute between my excellent and learned friend, the Solicitor-General and Lord Eldon, on a point of this kind, and the Solicitor General, refusing to take the opinion of the Court, insisted on the question of title being referred to a Conveyancer; who had thus to decide, for a ten-guinea fee, what opinion the Court should give. I wish, then, to have a Conveyancing Master; and if it be supposed that twelve Masters are not too many, or rather, I

should say ten, for the Master of the Rolls and the Accountant-general, who are included in the number, cannot do any of the ordinary duties of the Masters; but if twelve be not too many; and they have to examine evidence, and perform many other important duties; and if two Masters ought to be added, I shall propose that one of them be a Conveyancer, and thus we shall cut off seventy small offices, and we shall have an increase of eleven large ones. Your Lordships will not suppose that these two descriptions of offices are the same. For a man who delights in patronage, who wishes to oblige his friends, seventy small offices are much more convenient than eleven large ones. He can give away the seventy small ones among his friends; he can oblige a colleague with one; but he cannot, he dares not make a Judge of a man who is incompetent; he dares not go himself into a Court over which he has placed an unfit person. At present, the persons who are made Judges are not made by favour; they are not obliged by the choice; it is their right, and God forbid that they should hold their office by any other title. I say, they are not made as a favour; they rather confer a favour by taking the office. By substituting officers of that high and respectable description, then, for seventy small places that any body may fill, I lop off at once from one of the Ministers of the Crown the patronage of seventy places, which will be a great diminution of patronage in the hands of the Crown, and which, in a constitutional point of view, cannot be unimportant. That will be a great benefit, if no other good effects result from it; but I think delay will be abridged, decisions will be improved in their quality, and given with greater expedition, and the expense, that great and tangible evil, will be much diminished. The saving, in the first place, will be at least 6,000*l.* a-year in the Secretary of Bankrupts' department, as that will be diminished from 9,000*l.* to 3,000*l.* In the whole Bankruptcy department, the clear nett saving, after providing for the expense of the New Court, will be 26,000*l.* a-year. I do not include Lunacy, which is not now a subject of expense, and will only be so in as far as the new Board is concerned. There will then be a saving of 26,000*l.* in the Bankruptcy department. The saving in the Masters' Office, and in the Registrars' Office, will be, I calculate at the lowest, 20,000*l.*

a-year, leaving an ample allowance for Clerks, Masters, and all that is necessary to the establishment. To this 46,000*l.* 5,000*l.* must be added for sinecures, when those who now hold them cease to exist. To this also must be added 11,000*l.* for other sinecures, which were given by Lord Chancellor Thurlow to his son, and were afterwards held by his nephew, who is now their possessor. The sinecures held by the rev. Mr. Thurlow, now amount, my Lords, to between 9000*l.* and 10,000*l.* a-year. I know that these are vested interests; that Mr. Thurlow enjoys these emoluments under a patent; but I confidently hope that he may come to terms. Mr. Thurlow has long enjoyed his income, and will not be averse, I am sure, to consider the circumstances of the time. I may, perhaps, be said to be hasty in these matters, and I may be blamed, as I have been blamed for getting rid of the Registrar, and for wishing to abolish the Six Clerks. When I first took my seat in the Court of Chancery, I found it was a practice for a Master to come there of a morning, who was described to be always ready to give any information to the Court as to its practice, which must have been done by some curious method—I fancy by means of a speaking-trumpet, or some such instrument, for the instant the Court assembled, he made his bow and retired, and was afterwards sitting in Chancery-lane while I was sitting at Westminster, so that the important duties of this officer, as far as the Court was concerned, consisted in making a bow on one side, as the Clerk made a bow on the other, and then retired. Although it was, I have no doubt, thought to be a great innovation, I dispensed with the appearance of the Master in Court of a morning, and I do not find that the Court has yet needed his assistance. So it is said, that the Chief Registrar is an officer of great importance; that he keeps all the other Registrars in order; and I have no doubt that this was done by that fair person, Mrs. Eleanor Gwynn, commonly called Nell Gwynn, when she was a Registrar of the Court of Chancery, though, I suppose she seldom attended the Court, except, perhaps, when Lord Shaftesbury held the Great Seal. Now I should imagine, that the Patentee for making out Commissions of Bankruptcy, (the Rev. Mr. Thurlow), like that lady, has no business in the Court of Chancery. By the reforms I

propose, I am aware that I deprive myself of great patronage, should I live long enough to enjoy it; and, if the Chief Justice of the Court of King's Bench received 4,000*l.* a-year for his patronage, and that the salary of the Chief Justice of the Common Pleas was augmented on the same grounds, I might, perhaps, take some credit to myself for sacrificing so much patronage, without looking to any pecuniary consideration. I cannot help here remarking, that I think it is a little hard that the Chief Justice of the Court of King's Bench should receive a retiring pension, equal in amount to that allowed to the Lord High Chancellor, who has entered upon the arduous labours of his official situation, and resigned very large professional emoluments, for the purpose of taking this office, the possession of which he holds on so very insecure a tenure. I may here observe, by the by, that if I thought my tenure of office was in the slightest degree insecure, I should hardly have been so strenuous a Reformer as I am—I should not have taken so much trouble for the purpose of introducing Reform into the Court of Chancery. On the contrary, if I thought there was any chance of being turned out, I should very probably be like the Churchwarden who manages the concerns of the parish, and farms the poor out as cheaply as he can, not seeking to introduce any improvement, and not regarding the complaints of the paupers, because he knows he must go out of office next year. If, I say, I supposed I should not remain in office, I should very likely not be troubling your Lordships on this occasion. I am aware, then, my Lords, that the holder of the patent place I have alluded to has vested rights in it; but if he should be very exorbitant in his demands, let him not think himself very sure of the tenure by which he holds office; if he should think that a sum equal to that which is given to a Judge, after a life of labour, for his retiring salary, is not a sufficient compensation; and, if I should not go out of office, I will grapple with this patent place; and I will let the Patentee see that I can exercise the power which the law confers on me. The fees for sealing all Commissions of Bankruptcy, whence the Patentee derives his revenue, the law gives me the power by a side-wind to put an end to, by preventing the Seal being put to Commissions. If I do that, what

then becomes of the Patentee's emoluments, what becomes of the Sealer, and his fees, if no Commissions are addressed to him to seal? I will not say, that the Patentee has not a vested right, but it is a joke to say, that he holds it on the same tenure as your Lordships hold your freehold estates, of which you cannot be deprived but by the failure of the seasons, or the conquest of an enemy. The vested rights of this Patentee depend on the clause of an Act of Parliament; and he who holds the Great Seal can put an end to them when he pleases. I think, then, that the holder of this place will listen to the voice of liberality, he will attend to honourable feelings, or even if he take counsel of common sense and prudence, will take into his consideration what I have now stated to your Lordships; he will consult his attorney, his counsel, his conveyancer, and take all those legal steps necessary to make up his mind to accept the liberal offer I shall make; but in the event of his being obstinate, I now give notice of what he may expect. From the abolition of this sinecure, then, we shall save 8,000*l.* a-year out of the 11,000*l.*, which, added to the 51,000*l.* I have already mentioned, will make with the various savings in the Masters, and Registrars' Offices, all of which I have not enumerated, the whole saving amount at least to 73,000*l.* per year. There is one office about which I must say one word, though, as I have at present a great interest in it, I should be the last person to say anything on the subject. If the Reform I propose, should be carried into effect, it will cut off between 7,000*l.* and 8,000*l.* from the income of the Lord Chancellor, his emoluments from bankruptcy amounting to that sum; it will put an end to a large portion of the income of that Officer as well as to a large quantity of his patronage; and certainly I would not give up, nor would any man give up, the large profits of a professional income, to take an office which is held at pleasure, and may be taken away by a change in the Ministry, unless there be attached to that office a sufficient reward. It may be said, perhaps, that I am so cutting down the office, that no man will be disposed to accept it, and, therefore, I am fixing myself in it for life. My Lords, to avoid that, I shall certainly propose that the salary be increased. It would be at least proper, too, I think, that the Lord Chancellor of England,

the Chief Law Officer, should have a retiring pension equal to that enjoyed by the Chief Justice of the King's Bench, and the Lord Chancellor of Ireland, when the Lord Chancellor is liable to be dismissed, and the Lord Chief Justice may hold his office for almost the whole of his life, the present Chief Justice having held his situation for not less than fifteen years, and receiving a regular salary of 10,000*l.*, and he is not obliged, like the Lord Chancellor, to keep up any great scale of expense. It is most unfair that the Lord Chancellor should not be as well provided for as these two Judges. There is another point, my Lords, to which I must allude, I mean the Court of the Privy Council, over which some learned person, whose retiring salary was not sufficient, might most advantageously preside. Something, my Lords, must be done for the Appellate Jurisdiction, as your Lordships will be sensible when I inform you, that from the Island of Jersey there came, in three years, thirty-six appeals, while from the 76,000,000 inhabitants of India, there came only seven appeals in the year;—a state of things, I should think, sufficient to produce in the minds of your Lordships the conviction, that it is impossible to have appeals perfectly disposed of while the Privy Council remains constituted as it at present is;—there is no regular Court, no regular Bar, no regular Officer at the head of it; none of those useful and proper regulations, which ought to belong and appertain to all Courts, but more especially to a Court of Appellate Jurisdiction. It has at present no one good quality. It ought to be presided over by the highest Officer—the very best Judge of the kingdom. Without a Judge of this description, the authority of such a Court would be obeyed, but it would not have any weight; it would not be respected—it would not be venerated—it would not give judgment that would be followed hereafter. It is necessary, therefore, that the highest Officer of the kingdom—the man of the greatest talent, should be placed at the head of the Appellate Jurisdiction, and for this reason I wish to see some of the learned persons who enjoy pensions without being yet so far advanced in life as to make them incapable of discharging such duties, appointed to preside over the Court of the Privy Council. Recurring to the Court of Chancery, I have to observe, that the 73,000*l.*

which we shall save, is now paid by which come out of the suitors' pockets. In one year there are about 1,200 bills of costs to be taxed; to this may be added 750 cases that are not taxed, making on the whole, say 2,000 suitors, among whom the cost of 73,000*l.* is distributed. Supposing each suit to last two years and a half, this will make the saving to each suitor about 100*l.* in fees alone. But your Lordships must also recollect, that, besides these fees, the attorneys swell the bills of costs by some charges of their own, and in paying the fees for their clients, charge interest on the money they advance. I know that there are some attorneys who say no, but these must be extraordinary men—the only men I know who lay out their hard money without expecting any return for it—and these attorneys must be different from other men, not as is generally supposed, from being more greedy, but from practising a romantic generosity, such as I have never before heard of. The savings, then, will amount to 73,000*l.*, and that now comes principally out of fees, which are enhanced by the charges of the attorney. The sum is distributed, indeed, unequally: some costs amounting to 1,800*l.* and others not above 18*l.* But the diminution of expense is the least of the benefits I expect. If the reforms I have recommended be carried into effect, they will so reduce expense as to make Equity as cheap or cheaper than law; they will promote despatch, they will make Equity as certain as law; and they will make it, I hope, as satisfactory to the whole community. My projects may, indeed, fail; for projectors and inventors are never mistrustful, and they find, or fancy, benefits that no other person can perceive; but, if I fail, it will not be, my Lords, without having exerted all my talents and industry on this subject, and without having sought and obtained all the professional assistance I could command, both in the Court to which I belong, and in the other Courts of Westminster Hall. I might have had more advice, my Lords; I might have taken a different course; I might have moved your Lordships to appoint a Committee; I might have got a Commission to inquire, for the asking; to that Commission, or to that Committee, I might have referred my ideas; all the gentlemen I have consulted might have been examined; and after months had elapsed, when the long vacation had passed, and

the next Session had arrived, a Report would be made—a discussion would ensue—the Report would be torn in pieces by pamphlet after pamphlet—no measure would be founded on it—no good would come of it—and we should find all our labours thrown away, and the Report and the inquiry would be stifled under conflicting opinions. I thought, my Lords, that the course more fitting for me to take in my present circumstances as a Minister of the Crown was, first to judge of the whole matter myself—to make myself master of all its bearings—to form my own opinions, and my own plans—and, having matured those opinions, and drawn up an outline of my plan, I sent it to several bodies of learned professional gentlemen, the Judges in Equity and of the Common Law, the Masters in Chancery, the Commissioners of Bankrupts, and the Commissioners appointed to inquire into the Court of Chancery in 1826; I requested them to examine the plan; I stated, that I was anxious that they should sift my ideas, and point out any opinion which might seem to them to be erroneous; for, though I knew that I had well and maturely weighed my own opinions, I wished to learn by what arguments they could be met, and to what objections they were liable. These gentlemen met day after day; they conferred together; they had the assistance of the Crown lawyers; they did as I wished—they examined the plan; and they tore to pieces, to rags, to tatters, the ideas I laid before them. By this I got at the truth; by this I corrected many defects; and, aided by their experience, and their sound and deliberate judgment, the measure was subjected to a more severe and rigid scrutiny than perhaps any measure ever brought before Parliament; for the bodies to which I submitted it have different interests, and are in the habit of viewing things under different aspects, and some of them have a strong interest in the decision of the question. From their examination, I have derived far greater satisfaction than I could expect from the inquiries either of a Committee or a Commission; and I hope the plan, now that it is submitted to you, may be found equally to satisfy your Lordships. It now, my Lords, only remains for your Lordships to perform your duty, and to you I commit the measure which I have prepared. Upon your Lordships I now throw myself,

as the reformer, or rather the improver, of the Court of Chancery, and I call upon you, my Lords, to assist me in removing the blots which make that Court unsightly in the face of the whole community. My Lords, I entertain great respect for the Court of Chancery, knowing what it has in it of good; and therefore it is natural, that I should attempt to put away the abuses from it, to cleanse it from the weeds which have grown around it; but in sweeping away abuses, and in clearing away weeds, I wish to restore and retain all that was originally good, and was adapted to the circumstances of the times under which it was established, reforming only those parts of it which the altered state of the circumstances under which we live require to be reformed to adapt it to them; and by so reforming and purifying it, make it adequate and fit to perform that great duty it was originally and is now intended to perform. I have omitted, my Lords, till now, to defend myself against one charge. I may, for these propositions of Reform, be called an innovator, and an enemy to the institutions of the country. But, believe me, my Lords, he is no enemy to any institution, who, when he finds it covered with stains, and with the grossest abuses, the growth either of time or of neglect, endeavours to cleanse it from those disfigurements; he is no enemy of any person,—no enemy of any thing,—no enemy of any country,—no enemy of any institution—who, respectfully viewing that institution, and anxiously seeking out its merits, is not also blind to its defects, and who is only anxious to exalt its merits by purifying it from its imperfections. If you call that man an enemy to his country who would struggle to prevent an hostile foot from tainting its shores—if you call that man an enemy to his country, who would die in the last ditch, rather than see the smallest of its rights sacrificed—if you call that man an enemy to his country, who would eradicate civil conspiracy and rebellion, by removing the food upon which they live; and who would thus root out from it all pretext for those seditions and conspiracies by which the peace of the country is endangered—then must you call that man an enemy to the institutions of his country, who, because these institutions, in the progress of time, have become clouded, and incrustured by accidental defects, not originally appertaining to them, but contrary to, and alien from, their nature,

would root out those defects, and purge away the rust, that has been formed by time, in order that the natural mineral may shew with a purer lustre and a brighter face;—then call that man an enemy who is the enemy only of its worst enemies, the seeds of abuse and of decay which are ripening within—enemies that are more perilous to it than are foul conspiracies, or domestic traitors—enemies that put its existence in greater jeopardy than do foreign invaders or implacable foes. My Lords, I am an enemy of this description—I am an innovator of this stamp—guilty to such a charge, I am most ready and proud to plead, and of it I shall never be ashamed. Be it as to Parliamentary Reform—be it as to the retrenchment of abuses in various departments of the Government—be it as to the remedying defects in the Administration of Justice, similar to those which I have attempted to describe; with respect to all or any of these things, the only hostility I have ever felt, I now feel, or ever can feel, to the institutions of my country, all my hostility is to their defects; and the only motive by which I am actuated is, the anxious and earnest wish to purify and amend them—if possible, my Lords, to make them perfect. My Lords, I have the honour to present to your Lordships the first of the three Bills I have mentioned, which I now move be read a first time.

Lord *Lyndhurst* said, that in most of the statements of his noble friend he concurred; but he wished to ask him when he intended to bring in the other Bills, and at what period he meant to forward them?

The *Lord Chancellor* was understood to say, that the two other Bills would be laid on their Lordships' Table on Friday, and that on Monday he should be prepared to say what course he meant to pursue.

Bill read a first time.

HOUSE OF COMMONS,

Tuesday, Feb. 22, 1831.

MINUTES.] Bills. To apply money out of the Consolidated Fund, for the Transfer of Aids, to facilitate Emigration, were brought in and read a first time.

Returns ordered. On the Motion of Mr. CALLAGHAN, the total amount of Money paid, and which may be claimed as Drawback for Malt used by Distillers in Scotland and Ireland, from the 10th October, 1823, to the 5th January, 1831, distinguishing each County:—On the Motion of Mr. ELLICE, all sums of Money expended on public Works in Ireland, since 1st January, 1822, under the

direction of Engineers employed by Government; showing, in detail, the situation, object, and extent of each of the several works undertaken, the present state of every such work, and the whole cost of each respectively; distinguishing the amount paid for roads made, from bridges or other works of masonry erected, and specifying the separate expenses of each such road and bridge, or other work of masonry respectively.

Petitions presented. For Reform, by Mr. HODGES, from Stone, Debting, Wittersham, and Chart:—By Mr. ADEANE, from Ely:—By Sir R. A. DALRYMPLE, from the Town Council of Jedburgh. For Abolishing the fourteen Acts of Bankrupt Commissioners, by Mr. Alderman THOMPSON, from the Merchants and Bankers of London. By Mr. CALLAGHAN, from Mace, on the Coast of Galway, for Protection for Kelp Manufacturers.

CARRICKFERGUS PETITION.] Sir R. Inglis brought up the Report of the Committee appointed to examine and pronounce upon the signatures to the Petition against the return of Lord A. Hill, and the Report declaring that fourteen out of the thirty signatures were forgeries, and had been forged by J. M. Eccleston, and Hutcheson Posnett; the hon. Member moved, That the House concur in the Resolutions of the Committee.

Lord Althorp suggested, that it might be, perhaps, better to wait for the Report of the Election Committee, which was that night appointed. He merely threw this out for the consideration of the hon. Baronet, the Select Committee having positively decided upon the question.

Sir R. Inglis observed, that it was not certain the Election Committee would at all meddle with the question.

Sir R. Peel said, the case under consideration was a Breach of Privilege, and perfectly distinct from the question to be decided by the Election Committee. He thought the distinction ought to be strictly observed.

Mr. C. W. Wynn did not wish an opinion to go abroad, that it was not in the power of an Election Committee to entertain such questions, but did not deem it advisable to refer it to the Election Committee in the present instance, the House having already declared its own decision, through its Select Committee. The best way would be, to defer the consideration of this Motion, in order to give Members the opportunity of weighing it with deliberation.

The discussion adjourned to March 6th.

EMIGRATION.] Lord Howick said, that in rising to move for leave to bring in the Bill of which he had given notice, he should take the opportunity of explaining the means by which he proposed to give to the unemployed poor of this country who wished to emigrate, but did not pos-

sess the means of doing so, facilities for the accomplishment of that object. In this country, but more especially in Ireland, there was a deficiency of employment in proportion to the numbers of the population. That fact was notorious to all who had considered the subject, and the object of all those who speculated or thought on it was, to provide a remedy for the evils thus occasioned. Before any measure could be introduced for the permanent relief of the poor in Ireland, it would be absolutely necessary to relieve the country from its superabundance of population. In the various colonies of this country, the demand for labour was considerable. In the Australian colonies the ordinary rate of wages was 5s. per day, but in some trades—such, for instance, as those of the wheelwright—the workmen often received 15s. 6d. per day. In Canada the rate of wages was not so high, but it was higher than in this country; a farm servant there generally receiving 3s. 9d., and, in harvest time, being often paid 6s. 6d. a day. In this country, so different was the state of things, that the labourer viewed all who came to compete with him with the utmost degree of jealousy, while every additional labourer in the colonies was received with a most friendly welcome. The transfer, therefore, of a part of our superabundant labourers to the colonies would be equally beneficial to all parties; to the labourer here, by diminishing the overwhelming competition from which he now suffered severely—to the settler there, by affording him the means of more fully cultivating the land he occupied—and to both this country and the colony, by relieving much of the distress now existing in the former, and by adding to the productive industry of the latter. The mode he proposed to adopt in effecting that transfer was shortly this:—He proposed by his Bill to empower the Crown to appoint Commissioners for the purpose of superintending the business of emigration, and regulating its details, which were now either altogether neglected, or left almost wholly to the operation of chance. It would be the business of these Commissioners to give to the emigrants advice and assistance, to provide them with the means of conveyance to the colonies, and to put them in the best way of getting employment, and maintaining themselves by their own industry when they got there. In proposing this, he did

not mean that any expense should be thrown on the general income of the country—it was his intention, that individuals, or parishes, should bear the expense thus incurred. He proposed, therefore, that with the consent of two-thirds of the inhabitants of a parish, the overseers should be at liberty to enter into contracts with individuals who wished to emigrate. Of course, this part of the Bill could not extend to Ireland, where there were no parish officers, and no parochial rates, and he acknowledged, that on this point his Bill was defective; but he trusted that the deficiency would be in some measure supplied by giving to individuals the power of making contracts for the sending abroad their surplus labourers. He would, however, take that opportunity of observing, that a Bill for the purpose of enabling persons in Ireland to make these contracts for emigration ought to be passed, in order to give the measure its best and most extended operation. From evidence given before the Emigration Committee, it was reasonable to hope, that many landlords would find it their interest to come forward, to promote the object in view; but should this not turn out to be the case—should it be found that voluntary contributions were insufficient—it would be in the power, and it would probably be considered the duty, of Parliament to adopt some means of assessing either parishes or counties. That, however, was a matter for future consideration, and the utmost that could be said was, that this was a defect in the Bill; but he thought the House would agree with him in thinking, that it would be better, in the first instance, to stop short of what it might be advisable to do, than to run any risk of going too far. The chance of benefitting the condition of the labourer by the measure was so great, that he had no hesitation in saying, that the emigrants to these colonies would soon be elevated from the condition of a pauper to that of the character of a landowner. In consideration of the facility for emigration which he thus intended to give, he proposed that the paupers, in the event of their failure in the colonies (a failure that, from the nature of the circumstances, could only be attributed to themselves) should waive all claim to relief upon their return to this country. By placing the emigration of these people in some manner under the control of Commissioners, that objection which had frequently been urged

against emigration, of the people not finding employment, and being destitute on their arrival, would be removed. There were at this moment twenty millions of acres of disposable land in our North American colonies. Ample means of employment would be afforded to the labourer in the cultivation and improvement of such an immense tract of country. The next thing, therefore, to be considered, was, the expense of carrying the scheme of emigration into effect. The passage of a man, his wife, and two children, and of fully establishing them, had been estimated, by Sir Howard Douglas, at 66*l*. Now, the expense of maintaining such a family in England, was at the lowest calculation, 25*l*. a year. For much less, therefore, than three years' purchase of the parochial expenditure, this country could relieve itself of a great and growing burthen. He had made these statements upon the supposition that it would be necessary to establish the paupers on the Crown lands; but he did not believe that necessity would ever occur; for the means of labour could be easily found elsewhere, and the labourer would have the most advantageous opportunity of ameliorating his own condition—an advantage which, derived as it would be from his own exertions, would be a greater benefit than if it were bestowed on him as a boon. Upon this part of the subject, he should beg leave to refer to the evidence given before the Committee by Mr. Hamilton, in 1827, when that gentleman stated, that the number of persons who had emigrated to Canada in the then last year amounted to 10,000. That number, however, was absorbed speedily; for though Mr. Hamilton thought that emigration, carried on at that rate, would be a great evil, it seemed that no less than 28,000 landed at Quebec in the years 1829, 1830. A *Quebec Gazette*, of a late date, after referring to the fact that a Committee of the House of Lords had been appointed to inquire into the Poor-laws, stated—

“ We expect, with confidence, that the result will be, the promotion, on a commensurate scale, of our favourite plan of emigration, as the certain means of relieving the temporary pressure of distress among the labouring poor of the United Kingdom. The immense field which these provinces offer for practical emigration is now acknowledged at home, and the circumstances alluded to above cannot but strongly impress upon the mind the advantages to the poor themselves, could

they, by the interference of Government, by parochial assessments, by mortgaging the poor-rates, by their own exertions, or by any means, be settled in Canada during the season of emigration. With very trifling pecuniary assistance, compared to the benefit obtained, from 30,000 to 40,000 labouring paupers might be provided for, prudently and satisfactorily in these provinces. Among the 28,000 emigrants arrived here last season, who may be considered as the *avant couriers* of a much larger body, those who remained in these provinces are, in general, comfortably established, or have the fairest prospect of being so. Some of these were nearly destitute, and had been receiving parochial relief at home. Those who came from Celbridge, though landed on our shores without capital, would not at this moment return to the country they fled from. We mention these facts to prove, that not even poverty on arrival here is an evil without remedy. It may be got over, and we are ourselves acquainted with many instances where a good house covers the pauper family of 1829."

A letter from the agents to the Canada Company, which he had seen, contained statements to the same effect:

"Men willing to work, (it said), cannot have any difficulty in obtaining employment, and at high wages, compared with what they have been accustomed to. During harvest there is always a scarcity of labourers, who in consequence obtain almost any wages their conscience allows them to ask; but that only lasts for a few weeks. However, an industrious man can save enough out of one season's work to enable him to take up land himself, and he in his turn requires labourers to assist him at certain seasons; and this demand is of course continually on the increase. In fact, emigrants cannot, for very many years yet, come out in such numbers as to overstock the market; and you may with perfect confidence give the fullest assurances to that effect. A very large number will find employment on the roads cutting through the Company's lands; but they will be finished, we hope, next year."

From the fact, thus satisfactorily established, that at the present rate of wages the great majority of labourers speedily became the proprietors of land, and the employers of following emigrants, he drew the inference, that a great emigration in one year, instead of glutting the market in succeeding years, extended the demand for labour; and that, therefore, should emigration be taken up on a great scale, all that the Commissioners would have to guard against would be, a temporary excess of labour; but against that evil their care and caution must provide. The Commissioners might employ the labourers, on their arrival, in public works, in order not to throw them at once on the general market. Taking wages at 2s. 6d. a day,

a man would earn 39l. a year. Now, the passage of each person was calculated, by Sir H. Douglas, at 17l. 10s., and, in a family of three persons, that would amount to 52l. 10s., which would be much less than two years' purchase of the man's labour. Mr. Bayley, in a Report on the Crown lands, said, that in New Brunswick the public roads were out of repair, and that 1,000 labourers, for one year, might be employed exclusively on them: the cost of putting them in order he calculated at 67,000l. The certainty of profitable labour was, therefore, secured in that way, if there were not other and equally profitable means of employing it. Had he not been convinced of that, he should have shrunk from the task of proposing a measure which, banishing men from their own country, might have left them destitute in America. There were strong reasons to believe, that emigration once begun, and conducted on a systematic principle, its expense would be trifling, and would be continually extended. The passage to Australia was longer and more expensive than that to Canada, but the demand for labour was greater there, and many of the settlers there had offered to bear a portion of the expense, on the condition of having assured them, for a limited time, the labour of the emigrant. The Government only claimed the merit of having adopted the ideas of the right hon. Gentleman (Mr. Wilmot Horton) who had so long and perseveringly urged on the country the consideration of the subject. The noble Lord concluded by moving for "leave to bring in a Bill to facilitate voluntary Emigration to his Majesty's Possessions abroad."

Mr. Schonswar said, he should give his support to the proposition of the noble Lord. He approved of its principle, but he had some objections to make to its details at its next stage.

Sir G. Murray said, he believed that this was the best mode of relieving the distress at home, and (if it was true that there was an overplus of the population in this country) of giving that overplus a facility of transfer to another country, where he was certain they could establish themselves in comfort and independence, and where they might secure to their descendants prosperity and happiness. He was pleased to have an opportunity of joining with the noble Lord in pronouncing

an eulogium on the zeal and assiduity of Mr. Wilmot Horton in promoting this object. His life had, indeed, been devoted to it. When he himself was at the head of the Colonial Office, he gave the subject his fullest attention. There was, however, one feature in the plan then proposed, and which was now retained in that of the noble Lord, to which he much objected; he meant the appointment of Commissioners to manage the system of emigration. The Commissioners were to have been in the form of a Board sitting in England, for the regulation of emigration; and the first objection he had to their appointment was, that, in his opinion, Commissioners resident here ought not to have the power of allocating lands; and his second objection, that they ought not to have the power of directing details, which might better be intrusted to persons living in the colonies. While the subject was under his consideration, he looked out for a man who might be trusted to make the necessary inquiries, and he selected Mr. Richards, whom accident had made him acquainted with, and who, in every possible respect, seemed calculated to discharge such a duty with the utmost efficiency. That gentleman had resided for years in America, and had besides been employed in the business of valuing and settling lands there. On that gentleman's integrity he felt he could as much rely as on his talent and experience. To him, therefore, was intrusted the task of examining into the matter. He (Sir G. Murray) was aware that large quantities of land in our North American colonies had been made the subject of extravagant grants by the Crown. The system formerly adopted was not so well regulated as he could wish. That gentleman had now probably made his Report, for it had not been made when he (Sir G. Murray) left office. The plan he intended to have acted upon was this—that nothing should be done that appeared like holding out encouragement in a pecuniary point of view, or giving a bounty upon emigration, but that those who voluntarily wished to emigrate, or whom their landlords wished to quit their estates, or who were willing to go out under the auspices of any Society, should open a communication with the Colonial Office, and should have every facility afforded for finding their way out to the colonies. He intended to have established at certain ports of the United

Kingdom, agents, whom he would have selected from the half-pay officers resident there, and who should have been the intermediate agents between the ship-owners and the emigrants. There would have been in that no further expense, but a slight increase to the half-pay of the gentlemen thus employed. That was the whole system, so far as he contemplated it at the time. The power of the agents in the land-granting department in the colonies should have been regulated—they should have been obliged to make surveys of the grounds, and to give directions enabling the emigrants to proceed to their settlements, and enter on the possession of them. He thought the principle of interfering too much quite as bad, if not worse, than that of interfering too little; and he believed, that when Government interfered too much in matters of this kind, it was generally guilty of much mismanagement. He had, therefore, avoided that error as much as possible, and he would recommend to his successors to interfere as little as possible. That was the basis of the plan he contemplated carrying into effect. He did not know how far time might have developed it. He thought it would be advantageous in every respect to facilitate the means by which the emigrant could get into immediate employment at the place to which he emigrated, and thus enable him quickly to repay the expense of his voyage. The timber-trade of Canada, and the improved means of water-carriage, afforded the opportunity for quick and advantageous employment of the emigrant; and, with regard to the colony itself, he believed that nothing would so much strengthen Canada as the emigration to it of a considerable body of active and industrious labourers.

Mr. Tennant said, that impressed as he was with a sense of the evils of a superabundant population, he was still more convinced of the necessity that the country should not rush into the evils of an excessive taxation. The measure before the House would produce an increase of taxation in this overburthened nation, of which the House seemed to have no conception. It was proposed that two-thirds of the landowners and rate-payers of a parish should be authorized to subject the parish to a permanent debt of any amount which their notion of the necessity of emigration might require. Now, was it not clear that the superabundance of the population

would continue for ten years? And if it should so continue, suppose that, according to this Bill, two-thirds of the land-owners and rate-payers incurred a debt of 20,000*l.*, for which the parish had annually, for ten years, to pay 1,000*l.* as interest, and at the end of that time there should be a new influx of poor, not only would that annual charge of 1,000*l.* have in future to be paid, but there would be an additional increase of the rates, for the maintenance of the additional poor. He would ask hon. Members, was it not possible that all the rent, and even all the produce of the parish might thus be absorbed in the poor-rates? But there was a still greater objection to the Bill: its operation would necessarily remove the wholesome check which compelled the people themselves, as well as the landlords, to exert some control over the increase of population. He thought it was rather hastily assumed, that the projected transportation of the poor would be found less expensive than their maintenance at home. He wished to know what was intended by the noble Lord, respecting the location of the emigrants under his Act, upon their arrival in the colony? He (Mr. Tennant) had himself considered the subject of colonization, but he would not, on that occasion, explain the principles of his plans, as to do so would occupy, perhaps, three or four hours of the time of the House. He wished, however, that the House would allow the measure of the noble Lord to stand over, until he (Mr. Tennant) should be able to lay before them a brief statement of what he conceived to be the sound principles of emigration. The true theory of emigration, he assured the House, was by no means difficult to be understood. It was necessary that theory should be well known to the House, and he was sure it was a fit subject of inquiry. He wished the House would permit him to lay before it his system of colonization before it decided upon the present Bill. He should be able to do so upon the 10th of March, and he would wish then to move for a Committee to inquire into the theory and best plans of emigration.

Mr. *Grattan* objected to the principle of the Bill. He believed that Ministers would find themselves disappointed, if they looked to any such measure as affording the means of delivering Ireland from the poor. He preferred finding employment for them at home. But as he still

hoped that good might, perhaps, be effected by the Bill, he would not oppose it.

Lord *Althorp* reminded the hon. Gentleman who had just sat down, that his noble friend had explained that the Bill was, perhaps, faulty in one respect, which was, that it would not apply to Ireland. As there was in that country abundant room for improvement, it was the intention of his Majesty's Ministers to employ the people in effecting the most practicable improvements within the country itself. The plan of his noble friend had been misunderstood by the right hon. Baronet opposite. It was not intended to have highly-paid Commissioners to carry the provisions of the Bill into effect. It had also been objected, that the granting of lands to emigrants was injudicious, and had produced ill effects. But the objection did not apply to the measure of his noble friend, whose object was, to supply the colonies with the labour in which they were at present deficient. The hon. member for St. Alban's, had asked how the emigrants were to be located in the colonies? Now, the object of this Bill was not to locate the emigrants at all. Its object was to increase the supply of labour in the colonies, where it was too small, and to diminish it in Great Britain, where it was too large. The hon. member for St. Alban's had exaggerated very grossly the expense which this system of emigration would create. First of all, that expense would not be permanent, as the hon. Member had represented; on the contrary, it would not continue for more than three years: and in the next place, it would fall very short of the amount at which the hon. Member had calculated it. The immediate expense would be no more than the amount of three years' support of the poor by the parish. Unless the pressure of the Poor-laws were relieved, he did not see how it was possible to improve the administration of them. But when the parishes should be placed in the same situation as under the original institution of those laws, they would be able to administer them according to their original principles. Having given his attention to the Bill of his noble friend, he had, upon the fullest consideration, resolved to support it.

Sir *George Murray* was understood to explain, that he had alluded, not to the Commissioners to be appointed under the

Bill of the noble Lord opposite, but to those that were contemplated by a plan which was in agitation before he came into office. He had spoken of the granting of lands, because he knew that no man went out to Canada, without a contemplation of the future raising of himself to the condition of a landed proprietor. He believed the noble Lord would find that that feeling prevailed amongst those who became emigrants under his Bill.

Mr. *Sadler* said, that he rose to oppose the Motion of the noble Lord under feelings which it was difficult to express, and yet impossible for him to restrain. Doing all possible justice to the motives of the noble Lord who brought the measure forward, as well as to those of other hon. Members who might feel inclined to yield him their support, still he could not refrain from expressing his opinion in the strongest manner as to the nature and effect of the proposed Bill. It was a measure which was little calculated to afford relief to those classes of the population to which it was intended to be applied, while it threatened them with still deeper evils than any they now endured. It proceeded upon a principle which was at once derogatory to the character of the House, and insulting to the feelings of the country. In its operation, as explained by the noble Lord, it would forestal those parochial revenues which ought to be devoted to other and far better purposes, and transfer, for objects as little reconcileable with the interests as the feelings of the people, the evils of a national debt into the local districts of the country. But above all, he objected to the measure as supplanting, or at all events postponing, those more enlarged and effective measures of relief which might, and in these days of humanity and benevolence assuredly would, be made in behalf of a suffering people—measures long dictated by wisdom and philanthropy, demanding no sacrifice but what the House and the country would be eager, he trusted, to make, and involving no expense but what would be repaid a hundred fold, in the increasing plenty and prosperity of the people—measures as obvious in their nature as certain in their effect, to the consideration of which he hoped ere long, to call the attention of the House and the country. As to the measure before the House, whether he regarded its principle, or its tendency and effects, no language he had at command could sufficiently express his repugnance to it. He

begged, however, to assure the noble Lord, that his opposition to his Bill rose far above all party or political considerations, and he could aver, that had that or a similar Bill been introduced by the nearest friend he had in that House or the country, his opposition to it would have been equally decided and uncompromising. In proceeding to state as shortly as possible his objections to the proposition before the House, he could not refrain from calling its attention to the real condition of the country, as recognised and declared by the very nature and intent of the measure. Notwithstanding the declarations to the contrary, and the many documentary proofs appealed to by Ministers from time to time, in proof of the prosperity of the country, this proposition at once opened the eyes of the House and of the country to their real condition. Scarcely had the echoes to the cheers with which the declarations of his Majesty's Ministers were received, when they stated the steady and progressive increase of the prosperity of the country, died away, ere one of that Government comes down to Parliament with a proposition at once falsifying all these flattering statements, and proclaiming, still more forcibly than mere language could do, the condition of a vast mass of the community to be so deplorable, that nothing less than the strong and revolting remedy of expelling a large number of the most industrious classes of the community could mitigate the sufferings of the rest. Could any thing prove more fully the false and erroneous principles which had unhappily dictated the policy of this great country than this proposition? could any thing contradict more effectually those glowing hopes and prospects which had been held out to the people by those visionary theorists who had so rashly changed and reversed the principles on which the nation had been heretofore governed, and by which it had been conducted to that state of happiness and prosperity which it had till of late enjoyed, while it continued to regard its people as its true riches—not the signs merely, nor yet the instruments, but the very elements of its prosperity; instead of regarding them, as at present, as so many individual causes of national misery? And who were they, asked the hon. Member, that were thus to be condemned as superfluous, and sent from their native country as so many public nuisances? Certainly not the decrepit and the impotent; the

sickly and the infirm; the infant orphan, or the aged and feeble poor; that proposition humanity could not endure for a moment. No. It was the active, the young, the enterprising, the industrious, who were to be sacrificed to this scheme; those whose labour had created the capital of the country, whose courage had defended it, and to whom she must look as the chief sources of future prosperity—those whom England could never spare, and least of all at the present period. But the noble Lord rested his scheme on the presumed redundancy of the people. But how was this redundancy to be measured? Not by the standard which could alone justify that House in coming to so appalling a conclusion; not in reference to the means of profitable employment and unfailing plenty which a kind, he might indeed almost say partial, Providence had placed within their reach. The noble Lord, indeed, had adverted, as he understood him, to some 23,000,000 of acres of land in Canada, to which the people of this country might be transported. Was he aware that far above that quantity, above 30,000,000 were at present unimproved in these islands, half of which at least was stated to be fully capable of cultivation? He had seen mentioned in the emigration reports the average crops of corn which were produced by the emigrants of Canada, which fell very far short of those which the poorest soils in this kingdom, capable of tillage, would produce. If they had, therefore, to resort to colonization, why not establish home colonies—a scheme far less expensive, more practicable, and infinitely more patriotic than that of the noble Lord; one which would give employment to the idle, and bread to the distressed people of the country; which would, without indeed extending the surface, augment the strength and increase the wealth of the country; which would add to its dominion, not the conquests of the sword and spear, but the happier triumphs of the plough-share and the pruning-hook; affording not only relief to the distressed, without the sacrifice of their country, but invigorating in turn every branch of internal industry, and giving increased activity and stability to the whole. But even to this plan he had, as a measure of general relief, considerable objections, believing, as he did, that more natural and efficacious remedies were at hand; but if the nation must colonize, and if Parliament was to sanction the expenditure of public

money for that purpose, he would confidently assert, that the best colonies we could plant, either with a view to the present or permanent advantages of the country, were those that might be planted on the deserts of our European empire. He meant nothing offensive to the noble Lord personally, but he must venture to assert, that his, and all similar propositions, when brought forward as measures of national relief, argued an utter ignorance of the nature and necessities of human society. They insulted the feelings and contradicted the experience of mankind. Where was it that the evil complained of was felt most severely? Where, but in those parts of the world which were the most sparingly peopled, and where, notwithstanding the prolificness of nature, the savage inhabitants resorted to the most unnatural means of repressing their increase, avowing at once a motive similar to that now urged upon the House—the necessity of diminishing their superfluous numbers? When had it been, that civilized nations had seen most clearly the same redundancy? Why, when their numbers were wholly insufficient to possess, much less cultivate, the soil they occupied. As to England, it would require little research into its history to assure us, that it was when the inhabitants had been the fewest these degrading fears had been the most predominant and operative. They infected even those who might have been thought superior to such a delusion. Thus, to go no further back, than a time when England did not perhaps number a third of its present inhabitants, Sir Thomas More entertained so great an alarm at the increase of the people, that he anticipated that they would speedily multiply to the devouring of one another. So prevalent was that dread, that we find one of the last of the old chroniclers, Hollingshed, records the opinion as a matter of history, which, however, he reproveth in terms of such marked indignation that he would not venture to quote them in that House. He would not multiply proofs of the prevalence of this perverse and pernicious notion, but only add, that it was reserved for the greatest philosopher, whether political or natural, that ever illuminated mankind, the glory at once of his country and of mankind—it was reserved for Bacon, in his place in that House, to refute the absurd and insulting notion; and to point at

those manifest badges and tokens which he averred the country exhibited, and which it still exhibits, of a paucity rather than a plethora of numbers : and, adverting to the vast, and indeed inexhaustible means which this country possessed within itself, he boldly declared, that the nation would never be over-peopled, and recognizing, as he did, its population as not the signs or the instruments merely, but as the very elements of all prosperity, that any increase in its people would be the augmentation of its wealth, and the consolidation of its power and greatness. But, why need we advert to past times in disproof of the notion to which the sanction of this House is now sought to be obtained ? Near our shores, and indeed almost close upon them, lie the provinces of Flanders, thrice as densely peopled as was this Island ; in a part of which, indeed, there are nearly 700 inhabitants on the square mile ! And yet, in those districts, originally sterile in point of soil, and brought to their present unrivalled state of fertility by those means which would produce the same effects in our own country, an immense population, not merely subsisted their inhabitants, but afforded a surplus of at least one-third of their agricultural products for exportation, and, by a method which this country might adopt to the equal advantage of every class among us, produced a greater measure of individual comfort, especially to the agricultural labourers, than was enjoyed in any of the less densely peopled countries of Europe. He would refer to the Report of the Secretary of the Irish Society of Agriculture, who had been deputed to visit those parts by that institution, in proof of what he had asserted, who described the condition of the Flemish peasantry, notwithstanding their heavy rates, and the load of taxation under which they laboured, as eminently prosperous. But, without referring to other countries, the population of this country was not redundant, no, nor yet its rural population, mismanaged and oppressed as it had unquestionably been. It was true that such was the common opinion, and one which prevailed the more, inasmuch as it furnished a ready apology for a long course of neglect, and afforded an excuse for that pernicious system first suggested by political economy and still recommended by its heartless code. Taking even the Reports of this House, especially that on agricultural labour, there was no redun-

dancy, though the framers of that Report had come to that complacent conclusion, which, as he had said, was the ready excuse for leaving unapplied those remedies for evils too apparent to be denied, and which, he contended, were easy to be redressed. The first witness examined by that Committee, and one who, from his intimate knowledge of what is called the market of labour throughout the country, was well entitled to that preference, he meant Mr M'Adam, when asked as to the supply of labour in the agricultural districts, replied, that in the summer and harvest months he found labour extremely scarce, though in the winter ones it was very plentiful. He quoted from memory, and should no doubt be corrected if he erred in this statement. And this was the real state of the case. Not only was the labour of the whole rural population demanded in the busy season of the year, but without a vast accession of migrating labour from Ireland, the fields of England could not be reaped, nor its harvest gathered in, especially in those districts which might justly be denominated its granaries. It was no proof, then, of the redundancy of agricultural labourers, to show that they are partially unemployed in winter. It was a proof, and a melancholy one indeed, that their winter employment had been greatly interfered with, and themselves, therefore, doomed, in that comparatively inactive season of the year, to involuntary idleness ; it was an argument for a return to a better system, none for expelling the victims of so absurd a policy from their native country. And though the noble Lord should be able to carry his measure, which he devoutly hoped he would not, still, when he had been the means of decimating the people, he would find the same inequality in the demand for labour, which he sought to remedy by this absurd proposition, and which would remain as to agricultural labour, except he could reverse the order of the seasons, and change the course of nature itself. While, then, it was admitted on all hands that labour was not redundant in the summer months, he contended that employment might be found in the winter season of the year, and by means involving infinitely less expense, and involving none of the evils which the present proposition would inevitably occasion. Employment might be created, and its remuneration secured, without thus

tearing asunder the closest ties of nature, and for ever dissolving those connexions in the preservation of which human beings found their dearest enjoyments. But that proposition, like most of those of the economists, required the surrender of the best feelings of the heart, and trampled on the dearest rights of human beings; not only a fresh system of policy, but a new code of morality was to be established. The best principles of nature were to be disregarded, and the loftiest feeling of civilized man, patriotism, was to be obliterated. [*Cries of no! no!*] He said yes! yes!—If this measure passed, the Parliament of England would become the pander of political economy, and teach the people that the love of their country was not worth cherishing, and that it would be the greatest blessing that could befall them to leave it for ever. Those who were either expelled by unrelieved misery, or induced by these various incentives to leave their country, would quit it without regret, and would soon learn to regard it with just aversion. The hon. Member here referred to several statements as to the cruelty which would result from this scheme if carried into effect in the large and extensive plan proposed; especially to those relating to Canada and Algoa Bay, and said that that man must know little of the history of colonization who did not know that misery was inseparable from it when thus conducted. He did not wish to be misunderstood. He would not wish to throw impediments in the way of voluntary emigration. All the accounts which had been received in this country from emigrants, left no doubt on the minds of those whom they reached, that the distress was greater abroad than at home, and that they would have been infinitely better off if they had never left the land of their nativity. It had been said by some hon. Members, that the West-India interest was at the present moment suffering under the pressure of distress. Now, if relief from the effects of superabundance of labour here, was to be found from emigration, and the same cause operated in the West Indies, then according to that argument, the best course for the West-India planters would be, to send off some of their people to Africa. It was really no longer to be endured, that those who took a part in the discussions of the Legislature, should continue to lead mankind as if they were

nothing better than beasts of burthen. Political arithmeticians had, as it were, by a negative series, made out men to be worse than nothing, and contended that it would be a great political object to get rid of them. In making these few remarks, he hoped that no hon. Gentleman would suppose he wished to deny to others the same freedom of observation upon what might come from him. There was not one of his plans which he was not willing to submit to as rigid a scrutiny as that to which he sought to expose the plans of those around him. There could not be the slightest doubt, that the condition of the labouring classes was rapidly deteriorating, and the means of providing them profitable employment were rapidly passing away. How could it be otherwise, when of set purpose many of the acts passed in that House were directed to that object alone; he did not mean to say intentionally, but the effect was as complete and perfect as if the insidious design had been at all times present in the minds of the Legislature. Those remarks were not thrown out at random, nor without careful and anxious attention to the subject under consideration; and though he confined himself to the brief and cursory remarks he then offered, yet he had fully resolved to take an early opportunity of formally bringing under the consideration of the House a motion declaratory of his views, and containing a practical plan for the relief of the people. To the plan of the noble Lord opposite, he could certainly not give his support, for he thought it certain to lead to expense, calculated to wound the feelings of the people, and likely altogether to defeat the objects which the House had in view.

Mr. *F. Baring* had seldom seen any subject that had been brought before the House more unfairly treated than the one which was now under consideration had been by the hon. member for Newark. Plans for the employment of the superabundant population had been for some time pouring in from all quarters; some suggested their employment in draining the Irish bogs; others that the waste lands should be taken into cultivation; and from another quarter, a suggestion had been made for taking the unemployed people down to Dartmoor, and teaching them to rear chickens.—He would only say, with reference to these plans, that he objected strongly to the unnatural impetus that was

given to labour and capital in the cultivation of waste lands, which could never repay the expense that was incurred on them.—But there was one plan which had been mentioned by a right hon. Member, amongst others that were proposed for the adoption of the House, than which a more dangerous suggestion was never offered to the consideration of the House: it was that for giving each labourer a small portion of land for his own cultivation. Such a project, if carried into execution, would increase to a much greater degree than had ever hitherto been the case, those evils and mischiefs which it was intended to check, and which were now so bitterly complained of; and it would reproduce in England all those miseries that had resulted from the adoption of that system in Ireland: it would cause this country, in a short time, to experience, not only all the evils that had accrued from it in Ireland, but it would entail them on our successors to a degree that at some future, not far distant period, the wretched Irish peasantry, who were now driven by its results to seek employment and food in this country, would absolutely be deterred from visiting the shores of England, because they would see there a share of misery and desperation, which equalled, if it did not exceed, their own. He denied altogether that there was any cruelty intended towards the poor by the plan before the House, and he was convinced that if it were to be carried into execution, it would lead to permanently beneficial results.

Mr. Warburton observed, that the real question for the consideration of the House was, not whether a systematic course of colonization would be beneficial to the colonies, but whether the mother-country would derive any advantage from its adoption. It was obvious to all, that if the population of this country were compared with the quantity of land, the former would be found to be much too great. Taking, therefore, the most moderate census, the annual increase in the population did not amount to less than 200,000 souls, and would those who supported the plan now before the House propose that 200,000 souls should emigrate yearly from this country? The very utmost extent of emigration to the Canadas at present was only to the number of 24,000 annually, without taking into the account those who emigrated to Australasia; and, unless the country were at once prepared to sup-

port the annual emigration of the annual increase of population, all such bills as those of the noble Lord must fail in producing the effects anticipated. Where was the capital to come from? If the noble Lord could show that emigration could be carried on without capital, he was in possession of a most important secret; but, according to his arguments, and those of the noble Lord, the Chancellor of the Exchequer, it was necessary that the emigrants should be provided with one or two years' subsistence whilst they were looking about them, and all this while the population at home was not remaining at a stand, but was regularly increasing, whilst that capital which ought to be reserved for their benefit was reduced, until at length it would be found, that all that was secured was an increase of the misery of the labouring classes, rather than any amelioration of their condition. The question, therefore, for the consideration of the House was, if the country could not, as he had shown it was not possible to do, support an emigration to the extent required, by what means could the present superabundance of labourers, who had no employment, be supported? He knew of none but the removal of all those restrictions that now impeded the application of capital to land, and prevented, in a great variety of ways the free exercise of profitable industry. Of all the suggestions that came under his notice likely to be immediately beneficial none was to be compared with that which proposed the commutation of tithes. Was there any person, being rightly acquainted with the pernicious effect that the present system of tithe-rating had upon agriculture, by preventing the application of capital to the purposes of agriculture, and thus disabling the farmer from putting his land in the highest state of cultivation, and, consequently, from getting the utmost produce from it, who did not at once perceive, that the present evil could be remedied only by a commutation of the tithes? and when the present evil was remedied, the increased impetus which agriculture would instantly receive and which manufactures and trade would subsequently acquire, would be sufficient to stave off immediate distress, and provide, he hoped, for a continually increasing population. He was not an enemy to emigration, but he believed that applying capital to land at home, and raising up a large number of people to

bear the burthen, of our taxation, would be the best means of providing permanent relief.

Mr. A. Baring thought, that the future welfare of this country, and of her labouring population, depended upon the solution of the question of emigration. The subject before the House was a question as to the possibility of affording relief by emigration, and the House could not be too careful, in its endeavours to alter the present state of distress, that they did not adopt the visionary schemes of theorists. He hoped, indeed he was convinced, the House felt the necessity of attending to the subject now before them, which was of the most intense importance. He had listened to the hon. member for Newark with admiration on account of his talents, and also of the earnestness with which he had argued, but, upon his soul, he wished that hon. Member had not, like the hon. member for St. Alban's (Mr. Tennant) sat down before he had divulged the plan which he had in contemplation for the relief of the distress. He was sure it would not have occupied the hon. Member five minutes, and that five minutes would have been well employed in letting them all into the secret. He was sorry, however, to say, that the hon. Member had indulged only in declamation against the measure, whilst the hon. member for Bridport had confined himself strictly to an examination of the dry details of the question before them. There never was, in his opinion, a period since the war, or rather, since the struggle that had occurred about the currency, during which this country had experienced so much prosperity in her commercial interests as was now her lot. This was generally acknowledged to be the case at present, and the great difficulty the country had to contend with was, the superabundance of labour. The hon. member for Newark had denied that there was a superabundance; but he would put one simple question to him, and that was, whether the farmers did not complain that they had no means of employing their agricultural labourers, and that, after putting them on the roads to break stones, and other inadequate occupations, they had not been obliged to shut them up to dig in a gravel-pit, for lack of means to employ them otherwise? People might talk of the inhumanity of shutting up people on board a ship, and sending them abroad; but he

would ask, was not that a more considerate course which enabled them to get their livelihood in an independent and improving condition, than condemning them to such an occupation as he had pointed out? The only real remedy, therefore, was, to see if it were not possible to give a real value to the labour of the poor man. He had heard complaints and objections made, that the Canadas were an unhealthy colony, but he would defy any one to prove it. He knew them from a personal residence there of years, and he had not found them so. The country was very healthy, as much so as England, though there were unhealthy spots, as well as in some parts of England—the fens and marshes of Essex, for example. He considered it much better to aid emigration than for those who were disposed to relieve the distresses of the labouring classes to contribute towards its alleviation in the shape of charitable donations. The hon. member for Newark had talked about 30,000,000 of acres in Great Britain that might be brought into cultivation by the employment of agricultural labourers, but he should like to know where those 30,000,000 acres of land were situated. Something had been said of the sterile lands of Canada, but he would take upon himself to say, that there was no finer land in any country than that in Canada. It was stated, in a Report which had been laid before the House, that land produced thirty-five bushels of wheat to the acre which had been under wheat crops from ten to fifteen years, and in which the stumps of the forest still remained. It was said, that the poor should be left to emigrate if they thought fit. The answer to that objection was, that the poor, if left to themselves, could not emigrate. They had not the means to go across the Atlantic, however anxious they might be to escape from pauperism here to wealth and independence in America. All that was wanted was a bill to facilitate emigration. As to parishes, the difficulty was to get the minority to agree with the majority; but that subject would come under examination when the Bill was brought forward. Great relief would be afforded to the landowner, by emigration, though more to the labourer; but yet the landowner, instead of having to pay the poor-rates annually, would have to advance a sum to enable the labourer to emigrate. In every parish there were

obstinate people, who took up strange notions, like the hon. member for Newark; and it was necessary that those persons who talked of emigration as contrary to humanity and Christianity, and what not, should be compelled to enter into the views of the majority of the parishioners, and pay their proportion of the expense. The hon. member for Bridport (Mr. Warburton) objected to the principle of emigration as a relief for the existing distress, because, he observed, that it could not be carried far enough to take off the whole of the surplus population, and that, if any redundancy was left, there would be no cure for the evil. He admitted the force of that argument, at the same time that he knew several parishes which had relieved themselves from poor-rates by adopting the system proposed, and enabling those to emigrate who were willing and anxious to do so. The way in which the thing was done was this—the leading persons in the parish called the people together, explained to them the benefits which would arise from the emigration of a certain portion of them, and gave them the option of going out if they liked to do so. There was no coercion used, the offer was accepted by several, and the most beneficial results followed from such emigration. The evil of a redundant population was not general; it was confined to a few parishes throughout the country. It was extraordinary, however, how a small excess of labourers lowered the rate of wages; and therefore he agreed with the hon. member for Bridport, that, unless they could go the whole length of removing the redundant population of labourers, they would not remove the evil. The county of Sussex was in the worst condition, with respect to its agricultural population, of any county in England. The population of that county was 230,000. The male population between fifteen and fifty, which were the ages of serious labour, and the ages for emigration, he estimated at 50,000. Now, if the inhabitants of Brighton and other large towns were deducted, and the number of artisans who were fairly employed and remunerated, he was satisfied that the number of agricultural labourers in the county of Sussex did not exceed 25,000. Of that number he did not suppose—though of course it was only conjecture—that one-fourth was superabundant. He took it that one-fourth of the

whole number of agricultural labourers, or 6,250, was the greatest number that the county of Sussex could spare. During the war recruiting was found sufficient to keep down the redundant population, and during that period no complaints were made of a superabundant population. Taking the estimate of 6,250 as the number of the superabundant population in the worst counties, North America took away every year the surplus population of ten such counties. In Dorsetshire he estimated the surplus population of labourers at 4,250, and he thought the other counties would not afford a larger population. He had stated these facts, to show that it was not so entirely impossible as some persons supposed, to get rid of the surplus population. At all events, it was important to look carefully whether the relief which was held forth by this measure could be effected. For his own part, under all the circumstances, he was inclined to hope that the Bill would work well.

Mr. *Slaney* said, that though he differed from the hon. member for Newark on this subject, he would treat that hon. Gentleman's opinions with all the respect which they deserved, from the sincerity and energy with which they were brought forward. He believed that the Bill about to be introduced would be a means of alleviating the evils complained of, at least in some respects. The hon. member for Newark denied that there was a redundant population. Now, the question was not whether a superabundant population existed throughout the kingdom, but whether a surplus population did not exist in particular places; or, in other words, that in those places there were a number of labourers who could not find employment at adequate wages? All the reports proved that there was a surplus population in the southern counties. The valuable report on local taxation further proved, that in the county of Sussex, the local taxation was 6s. 6d. in the pound sterling on the rack-rent, whilst in Northumberland the rate was only 1s. 9½d. in the pound. The wages of the labourer in Northumberland, however, was double the amount received by the labourer in Sussex, and he was proportionably comfortable and contented. Part of this difference was, of course, owing to the redundancy of population in the southern part of the kingdom, for where 180 labourers only

were wanted, there were 200 to supply that want, while in the north there were only 180 to supply the 180 that were wanted. Part of the difference between the condition of the labourers in Sussex and in Northumberland, however, arose from the different administration of the poor-laws, from the system which prevailed in the former county of paying wages out of the rates, and making a distinction between the married labourer and the single labourer, to the disadvantage of the latter, and the encouragement of improvident marriages. He was not prepared to say, that the evil was general throughout the country. He believed it was prevented from increasing, by the fair play given to manufactures. He agreed with the hon. member for Bridport, that every thing which was possible ought to be done to let loose capital, and direct it to agricultural pursuits. This might be done, not by granting bounties, but by removing unnatural impediments. He believed a great impulse would be given to agricultural improvement by a general enclosure bill. A general enclosure Act had been called for, and he could not conceive why it had not been passed. If the smallest enclosure was to be effected under the present system, it could not be done without an expense of 700*l.* to procure an Act. A general Highway Act would also give great facilities for improvement, and he rejoiced that his hon. friend, the member for Dorsetshire (Mr. Portman) had such a measure in contemplation. He was confident also, that the encouragement of spade husbandry would prove extremely beneficial to the agricultural labourer. Yet, with all these means of improvement, connected with home, he was convinced that the Bill of the noble Lord would be very advantageous, as it would give those who now had scanty wages an opportunity of going where wages were higher; and, from peasants working the land of others, those who emigrated had a fair prospect of becoming landowners themselves. He could not sit down without observing, that no one should stigmatise an attempt to encourage voluntary emigration as "cruel," and he regretted that the hon. member for Newark (Mr. Sadler) had used that expression.

Sir *Edward Sugden* did not rise to oppose the Motion, though he doubted whether the proposed plan could afford

any considerable relief. The population of this country was increasing at the rate of 500 persons every week, and it was quite impossible that emigration could be carried to an extent which would afford any effectual relief. He agreed with the hon. member for Bridport, that though the Bill was not compulsory, it gave too great a premium on emigration, and, in that manner, forced it, as hot-house plants were said to be forced. The estimated expense of emigration for a man, his wife, and two children, was 66*l.* If the public paid that expense, it paid a premium to that amount on emigration; and the proposal was nothing less than to mortgage the estate of every freeholder, according to the number of emigrants sent from his parish. The farmers would take care to throw the whole of the burthen on the landowners, and for this reason he objected to the proposed plan. It was easy to say, that the expense should be spread over ten years; but, after all, it must be paid, and the question was, who should pay it? and the end of it would be, that there would be a charge on the freehold for the sake of producing temporary ease. The only way to get rid of this was, to take the question up as a national measure, and to relieve the distresses of some places by a general tax on the whole country. The noble Lord (the Chancellor of the Exchequer) had admitted, that whatever vacuum should be made by this measure, it would soon be filled up. Then, if this was the case, why was not the question to be met boldly by the introduction of a bill at once to distribute the expense over the whole country? He had no objection to facilitate emigration, but he was not disposed to encourage it. As to the money advanced being repaid, he was confident that the thousandth part of a shilling would never be repaid. He was not disposed to throw any impediment in the way; but the subject appeared to be so clogged with difficulties, that he anticipated very little benefit, and should oppose the Bill ultimately, if it contained the objectionable details he had referred to.

Mr. *Benett* denied, that there was a superabundance of population, but there was want of money in the pockets of those who usually employed agricultural labourers. He did not anticipate much good from emigration, but he thought great benefit would be effected by a commu-

tation of tithes, which acted as a prohibition on the investment of capital in waste lands. Every man who expended 20*l.* in improving land, gave one-fourth, or 5*l.* to the Church. Another obstruction to the improvement of land was, the taxes on productive industry; and if tithes were commuted, and the taxes on productive industry repealed, he would venture to say, there would be no complaint of superabundant population. If the noble Lord could bring in a bill to improve the condition of the labouring poor as emigrants, it would be well to do so; but no effectual measure of relief could be afforded without a commutation of tithes and a reduction of taxes, and, perhaps, the imposition of a tax on funded property. If that was done, they would find, in the course of a few years, that there were not too many labourers in England.

Mr. *W. Whitmore* thought, that the redundancy of population was only partial, and would be much relieved by the measure proposed by the noble Lord, as he considered it to be in a great degree created by the mal-administration of the Poor-laws. He trusted hon. Members would not run away with the notion, that because the Poor-laws were to be mortgaged for a period of ten years, that therefore there should be a new national debt, since the consent of two-thirds of the landholders of a parish was necessary to this arrangement, and it was clear they would not agree to anything which was obviously against their own interest. He approved of the plan of paying, not only the interest from year to year, but providing a sinking fund for the liquidation of the debt in ten years. If he believed, that there was a redundancy of population in the country generally, he should despair of any effectual relief under the present Bill. But, as he believed that the redundancy was partial—that it applied only to a few of the southern districts, he thought the Bill might do much good. He trusted that Gentlemen would not be frightened by the idea that the poor-rates were to be mortgaged, but would consider the advantages presented to the occupiers of land from a plan such as the noble Lord had described, and among them he was disposed to include the improvement of the Poor-laws themselves; for he felt convinced that they could not be ameliorated till some such measure as that now proposed was introduced.

Mr. *Hunt* had listened with the greatest attention to the debate. The question was of the last importance, but it was one which he had never expected to have heard discussed in that House. He was one who, out of that House, had always treated the subject with derision, not to say disgust; but since he had heard the discussion in that House, he felt that it was one of the greatest importance which could be taken into consideration. His impression was, that with the single exception of the hon. member for Wiltshire all those who had entered into the discussion were mere theorists. The hon. Member for Wiltshire was a practical man, and he had truly stated, that there was no redundancy of population. The great cause of the distress was want of capital. Let them, as the hon. member for Wiltshire contended, take off the taxes, and commute the tithes, and in that way relieve the country. Such was the advice which the hon. Member had given to the House. But he (Mr. Hunt) had given the same advice to the hon. Gentleman fifteen years ago. It was now so late in the day, that he believed nothing would give satisfaction but the complete abolition of the tithe-system. The time for commuting the tithes was gone by. He grieved that such a Motion should have been brought forward by the Government. As for home colonization, he disapproved of it, as he did of foreign. Hon. Gentlemen talked of colonizing Hounslow-heath and Dartmoor-forest. They might as well talk of colonizing the top of St. Paul's. There was good land enough in cultivation, if there was any remunerating price for the produce. He was not such a Goth or Vandal as to condemn the use of improved machinery, but he knew well that where thrashing machines had been destroyed, in those parishes the farmers had not a sufficient number of men to thrash out the corn to supply the market, though prior to the destruction of the machines, there had been a surplus population. The scheme of the noble Lord was one of the most preposterous he had ever heard of. Mortgage the poor-rates! In God's name, did not the noble Lord know what state the Poor-laws were in? Why they were not worth three years' purchase. The hon. member for Callington had said, that the surplus population existed only in the southern counties, and that it was only

in these counties that the poor were driven by low prices to commit acts of insubordination. Was the House to be told that this existed only in the southern counties? Why, it existed in the manufacturing districts, and even in the metropolis itself. He had been informed, in the lobby of that House, by the overseer of St. Leonard's, of the distressed state of the poor in that parish, and he knew that in Birmingham the poor were employed to wheel heavy barrows of sand up hill, making a distance of eighteen miles, for one shilling. This arose from the excess of taxation. In Essex, the hon. Member for that county had stated, that some of the best lands were not half cultivated. In such a state of things, were they to relieve the poor by such a measure as that now proposed to the House by the noble Lord? The expense of the plan would fall ultimately upon the landholders. In short, it was, upon many grounds, so objectionable, that if nobody else would, he should feel it his duty to divide the House upon it again and again. Though those who took the part which he did, had once been decried, and the terms of "swinish multitude" and similar words of reproach, had been cast upon them, he was happy at length to see a growing disposition to listen to the poor, at least when taxes were to be levied; but when petitions were presented, it was quite the reverse. He knew this to be the fact. He had been down to the House for a week to present petitions, without finding an opportunity, and the time allotted to their reception was not sufficient. The rent of land had been raised three-fold, and yet the rate of wages had not been raised in proportion, and it was the first duty of the House to prevent labourers being paid out of the poor-rates. If the noble Lord's scheme took effect, farmers would not let their best men emigrate, and none would go but paupers and the worst parts of the population. Recently, 150 persons had been sent out from one parish to New York, but there they would not let them land. They had been obliged to put again to sea, and had never been heard of more. He believed that the noble Lord's plan would lead to a great deal of emigration of this description.

Mr. Hodges wished to address the House upon the subject, but in consideration of the lateness of the hour, he postponed his observations to another opportunity.

Mr. Brownlow expressed his gratitude to the Government for having brought forward this measure. He was surprised that any one could doubt the existence of distress, when they had all heard from the hon. member for Mayo, on presenting a petition, that the poor of that county were in a state of starvation. Unhappily, the same might be said of other parts of Ireland. Upon the whole it was quite clear that there was a redundancy of labourers, both here and in Ireland—not as compared with the surface of the land, but as compared with the demand in the market. He hoped that the Bill would be extended to Ireland, as he expected that great relief would result from its operation. Otherwise, the poor of that country would flock into England, and no benefit would result from the measure, except to them.

Mr. Briscoe rose amidst loud cries of "Question." He observed, that this was a subject of deep importance and difficulty, and he entreated the attention of the House while he made a few observations upon it [The Members manifested the greatest disinclination at the continuance of the debate, and many of them coughed loudly]. The hon. Member observed, that Gentlemen who had coughs had really better stay away altogether. Want of employment was the evil the people suffered from, and the Government must devote its attention to finding them the means of employment. There must be a commutation of tithes, which now pressed heavily on the people; but he did not wish to see any spoliation of the property of the Clergy. Something, however, must be done for the people. He wished to say a few words upon the plan of emigration proposed by the Noble Lord [*coughing*]. He reminded the House, that the question of emigration depended wholly upon its details [*renewed coughing*]. He advised the hon. Members, if they wished to save their time, to let him proceed without interruption, for no consideration should induce him to sit down till he had been heard with respectful and patient attention. [*laughter*]. If this course was persevered in, he should move the adjournment. He could not, consistently with the opinions he now held as to the great amount of the burthens of the people, consent that the rates of parishes in this country should be subject to mortgage for the purpose now proposed. Without resorting to such means

of assisting emigration, he thought aid might be afforded to the settlers in another way; and the money thus advanced might be paid back, principal and interest, within a certain time. He should give his best attention to the Bill introduced by the noble Lord, and, if possible, his support to its principle.

Lord *Howick* said, that in making a few observations in reply, he could not avoid remarking upon an expression that had fallen from the hon. member for Preston, who had told the House, that they did not care for the people, but treated their petitions with indifference. He wished to know, who cared most for the people of England—the hon. member for Preston, who would not burthen his estate to remove the emigrants, or the Members of that House, who were willing, at their own expense—though they knew they should burthen their estates by it—to impose on themselves that burthen, in order to remove the poor of the country from a place where they were suffering from the pressure of want, to another where they would be able to support themselves in comfort; and, at the end of a short time, to become land-owners? Hon. Members said, “we will advance our money for such a purpose;” but the hon. member for Preston said, “No; I will not burthen my estate for these people; they may starve, die, rot—I will do nothing for them” [“no!” from Mr. Hunt]. He wished to notice one or two mistakes that hon. Members had fallen into. The hon. and learned Gentleman who spoke from the floor, (Sir E. Sugden) talked of repayment; but there were objections of the strongest nature to demanding repayment from the emigrants themselves. The parish ought to pay the money the public advances. Several hon. members objected strongly to what they called mortgaging the poor-rates; but, as the Bill stood, it provided that the parish should repay principal and interest at the end of ten years; but, if that were thought too long, he had no objection to reduce it to five years. With respect to what had been said upon its offering a bounty to emigration, it must be observed, that parishes would not enter into the plan further than might be conducive to their own interest, which would be a sufficient check to this bounty. An hon. Gentleman opposite thought it well to facilitate, but not to assist emigration, but that would have the effect of increasing instead of diminishing the evil com-

plained of. If a parish did not assist an individual willing to emigrate, but not having the means to do so, emigration would be confined to small capitalists unable to bear the pressure of the poor-rates, and the paupers, the real burthens of the country, would remain behind. The right hon. Baronet (*Sir G. Murray*) stated, that this measure, made him regret the change about to take place in the timber duty. He seemed to suppose that the cutting of timber would give a better means of support to the emigrant than any other. It was, however, one of the great benefits of the alteration of the duty, that it would tend to divert the exertions of the settlers from a most vicious direction. It was stated in the Reports already referred to, that what is called “lumbering,” was never a profitable occupation to the settler; and Mr. Richards observed, on going through a village less prosperous in its appearance than others, that “it was evidently too much given to lumbering.” He stated, that “timber-cutting was generally a ruinous game for the emigrant; and, at the end of some time, he was reduced to a worse situation than when he first landed—that his morals were injured, his habits debased, his credit lost, and his character ruined.” In another place, speaking of the prosperous condition of a settlement of Welsh families, he said, “it was very problematical whether they would have flourished in the neighbourhood of much fine timber to seduce them from their proper occupation.”

Mr. *Goulburn* said, that one particular class of timber referred to, could only be cut under a license; and persons cutting without a license, contravened the laws, and lived like smugglers; and it was the smuggling, and the habits consequent thereon, which produced demoralization.

Lord *Howick* repeated, that timber-cutting prevented the prosperity of a settlement, by distracting the settlers from their other avocations on their own land.

Mr. *Ellice* wished to inform the right hon. Gentleman opposite, that it was the universal complaint of every land-owner in Canada, that timber-cutting, whether under a license or not, distracted the attention of settlers from the pursuits by which they must ultimately get their living.

Motion agreed to.

POTATO TITHES IN IRELAND.] Mr. *Ruthven* moved for leave to bring in a Bill

to exempt the potato-gardens of the poor in Ireland, being under two acres, from the payment of tithes. He had, he said, brought forward the Motion rather as an appeal to the charity of the Clergy than with any desire to deprive them of their just rights. He did not wish to deprive the present Clergymen of any thing; but he thought that Ministers were called upon to do something for the people of Ireland, and their exertions must be more availing if the clergy acted in unison with them. In Ireland, the clergy were by law entitled to the tithe of potatoes, unless where a modus could be shewn to have existed. In three parts of that country, however, the tithe of potatoes was not collected. In Munster, however, it was, even from persons occupying a mere potato-garden, constituting their whole means of subsistence. The tithe paid by them sometimes amounted to as much as ten or twenty shillings an acre, and a great many of the holdings were not tithed on a survey of the land, but on a calculation of the tithe-proctors, which the occupier of the land had no means of checking. It was to relieve those persons that he wished to bring in a Bill. Melancholy were the circumstances, in too many instances, under which this severe oppression was inflicted, by the levying the payment of tithe from the poor man's potato-garden. It filled up the sum of Irish misery when the tithe-proctor issued a monition from the Ecclesiastical Courts, and at last swept away any little tangible effects he could find in the poor cottager's cabin. He could assure the Government, that, till the tithe system should be altered, nothing would allay the agitation of Ireland. That system had done more than all the eloquence of all the agitators that ever existed. He wished the Government seriously to consider of means to put that agitation for ever at rest, and it was because the Government had done nothing towards remedying the distresses of the poor of Ireland that he had brought forward his present proposition. He would state one limitation of his measure. He would only exempt the small potato-gardens in those parishes where the composition for tithes was not carried into effect. He hoped that his Majesty's Ministers might be able to put forward some measure for the amelioration of the system of tithes altogether in Ireland, and especially with respect to that part of it which pressed so heavily on the

poorer classes of the country. If the Government would show that kindness towards Ireland, no person would be less disposed than himself to embarrass it; but he felt compelled to do something, in order to bring the subject of the sufferings of the poorer classes under the notice of the House, with a view to their speedy relief. The hon. Member concluded by moving for leave to bring in the Bill he had described at the beginning of his speech.

Mr. *Stanley* gave every credit to the hon. Member for the integrity of his intentions, but objected to his proposition, on the ground that it would prove wholly ineffectual for the object which he had in view, while at the same time there were strong objections to it on the ground of principle and justice. Those tithes were the undoubted right of the Church, and it would be an act of injustice to take them away; in addition to which, there was the argument that the Tithe Composition Act was getting more into operation every day, which, of course, rendered the proposition of the hon. Member the less necessary. It should also be remembered, that the principle upon which the Parliament had been legislating for Ireland, during the last two or three years, was the discontinuance of small holdings—[*hear, hear, from Mr. O'Connell*]. He understood that cheer, but he would not then enter into a discussion of the soundness of that principle. He would only say, that, be the system good or bad, the present proposition was wholly inconsistent with it. He was of opinion, that if the measure of the hon. Member were to succeed, it would afford no relief to the poor of Ireland. He repeated, that he gave the hon. Member every credit for good intention, but justice between man and man should not be violated without some necessary and proportionate advantage being made demonstrably certain. He also objected to the Motion, because it would be holding out false expectations of relief which the measure could not realize, for if such lands were made tithe-free, the landlords would raise the rents of the holders, and thus put in their own pockets that which was intended for the poor.

Mr. *O'Connell* said, that he did not think this measure would give relief to the poor of Ireland in a degree adequate to the intentions of the hon. Member who brought it forward. Still, however, he

was sorry to see it opposed, and sorry also to see the manner in which it was opposed, for what had fallen from the hon. Secretary for Ireland was something like a sanction, coming from authority, of the deplorable system of oppression which had so long existed in Ireland. He entertained very different expectations from the present Government, for he thought it would have repealed the law to which the hon. Secretary had alluded (the Subletting Act), or at least have made some alterations, with a view of mitigating its horrors, rather than have thus openly vindicated it in that House. The Tithe Composition Act was not quite fair towards the people of Ireland, for it was so arranged, that the clergyman could have, by a little management, the Tithe Composition introduced into his parish if he liked, but the parishioners had no power to say we like the Act, and we will call it into operation. Neither could he admit that the legal right of the clergy to these tithes was so undoubted as the hon. Secretary appeared to think, for, in many districts in Ireland, the tithe of potatoes was not allowed. The hon. Member who had brought forward the proposition had said, that he did not stand upon the right of the people to the exemption, but rather appealed to the benevolent feelings of the clergy. He trusted that the hon. Member would not persevere, under the circumstances, in pressing his Motion to a division; but, if he was resolved to do so, he (Mr. O'Connell) would certainly support him.

Mr. *Hunt* observed, that this tithe was a still greater grievance in the West of England than in Ireland, for the tithe was there 20s. an acre, though the acres were scarcely half as large as those in Ireland.

Mr. *Goulburn* contended, that this proposition, if acceded to, would be an act of gross injustice, without any proportionate advantage whatever. The Tithe Composition Act, which the hon. and learned Gentleman had impugned, worked, he believed, remarkably well, and the share he had had in passing that Act gave him great satisfaction. It was coming into general operation, and producing, he believed, mutual good both to the clergyman and the parishioners. With respect to the other matters adverted to, he entirely concurred in what had fallen from the right hon. Secretary for Ireland.

Mr. *Dominick Browne* wished to observe, that the disturbances in Ireland were chiefly caused by the potato tithe. At the same time, he thought the answer of the hon. Secretary for Ireland to the proposed Bill was quite satisfactory. All the profits of the measure would go to the landlord, and, upon that ground, he could not support the Motion. He trusted, therefore, that the hon. Member would withdraw it.

Mr. *J. Grattan* was of opinion, that if some alterations were effected in the Tithe Composition Act, it would be one of the best Acts which had ever been passed for Ireland.

Mr. *Ruthven* consented, after what he had heard, to withdraw his Motion.

O'Gorman Mahon protested strongly against the withdrawal of the Motion, and said, he could not conceive why that House was to be occupied with the discussion of a Motion which was to be at last withdrawn. He thought the measure was calculated to prove very beneficial to Ireland. All the small holders in Ireland were not tenants at will; some of them were holders for two or three lives, and to them at least the measure would be of great service. He denied that the clergy of Ireland were entitled to those tithes, for they had at various times been appropriated to other purposes than to swell the wealth of the clergy. He also remarked, that while the tithes were in the hands of the predecessors of the present Established Church, there were no such complaints as those which were now so general. In conclusion, the hon. Member said, that if the hon. Mover did not persevere in dividing the House, he (*O'Gorman Mahon*) should, with great pleasure, do so himself.

Mr. *O'Ferrell* requested the hon. Member to abandon his intention of dividing the House.

O'Gorman Mahon replied, that if that request had been communicated before he had promised to divide the House, he certainly would have acceded to it.

The House then divided:—For the Motion 1; Against it 133—Majority 132.

CHARITABLE BEQUESTS IN IRELAND.] Sir *Edward Sugden* moved for leave to bring in a Bill to apply to Ireland the Statute of 9 Geo. 2, cap. 36, commonly called the Statute of Mortmain. The hon. and learned Gentleman explained,

that by the provisions of the Act, real property, and property in the funds, must be disposed of, to make the disposition of it legal, before the hand of death was on the person giving away his property. The principle of the Bill was, to prevent any improper influence over parties when in the last stage of existence. It had been found very beneficial in England, and he wished to extend the law to Ireland.

Mr. *North* wished that the hon. Member, before he had moved for leave to bring in the Bill, had submitted his proposition to Irish Members. No necessity for it existed there; on the contrary, it was to be wished that more property should be set apart for charitable purposes. Before he could support the Bill, he must see it sanctioned and recommended by the law authorities of Ireland.

Mr. *O'Connell* objected to the Bill, and said, that he should divide the House upon every stage of it. The effect of it would be, to deprive the Presbyterian clergy of the power of rendering themselves independent of the *Regium Donum*. Nobody had yet ever complained of charitable donations and bequests in Ireland. The Bill would deprive the Catholic Church of all charitable bequests; and the hon. and learned Gentleman, who thus began a sort of crusade against the laws of Ireland, should first ascertain what they were, and what was the state of that country. He could assure the hon. and learned Gentleman, that his Bill would do a great deal of mischief, and he was sure that there was not a single Irish Member, who understood the interests of his country, who would not oppose it.

Lord *Althorp* said, that, as the hon. Gentleman who had moved for leave to bring in the Bill, had not stated any inconvenience arising from the present state of the law, and as the Irish Members were opposed to the Bill, he should certainly, if it were pressed to a division, vote against it.

Sir *Charles Wetherell* said, that if no Irish Member would stand up and support the Bill, he should feel himself called upon to agree with the Irish Members, that no case had been made out.

Sir *Edward Sugden*, in reply, expressed his surprise that his Motion should be opposed. He considered it dangerous to the State that large portions of land should be placed in the hands of the Catholic Clergy, as for their use, and certainly one

object of his Bill was, to prevent the inconvenient disposition of property to Catholic charities: he would not, however, persist in his Motion.

Motion withdrawn.

SINECURES.] Mr. *Guest*, pursuant to his notice for this evening, moved "That there be laid before this House a Return of all Persons holding Place or Office, whether Civil or Military, in which no service, or service merely nominal, is performed; stating with each name the annual amount of profits or emoluments, and the sources from whence the same are derived, the date and nature of the instrument conferring such Place or Office, the term for which the same was granted, and if for life or lives, the names and ages of such lives, whether granted in possession or reversion, and, if in reversion, at what period first enjoyed by the present holder of such Place or Office."

Mr. *Spring Rice* anticipated that the Motion, as now worded, would occasion considerable inconvenience, since it would induce the necessity of an application by letter to every individual to be named in the whole catalogue. To the principle of the Motion, Government was by no means hostile, but he would recommend that it should be so framed as to render it practicable to comply with the hon. Member's desire.

Mr. *Goulburn* urged, that it would be difficult to accede to the proposition, inasmuch as no one could take upon him to decide what were nominal services and what were not.

Lord *Althorp* advised the hon. Gentleman to withdraw his present Motion, and bring it forward in an amended form on a future day, when Government would agree to its adoption.

Mr. *Warburton* recommended the hon. Member for Honiton to accede to the suggestion of the noble Lord.

Mr. *Guest* consented.

Motion withdrawn.

HOUSE OF LORDS,

Wednesday, Feb. 23, 1831.

MINUTES.] The Lunatics Bill was read a second time, and the London Bridge Bill was brought up from the House of Commons.

HOUSE OF COMMONS,

Wednesday, Feb. 23, 1831.

MINUTES.] Sir Richard Bulkeley Williams Bulkeley took his Seat for Beaumaris.

Bills. The Irish Elections Bill, the Coal Duties Bill, the Canine Madness Bill, the Consolidated Fund Bill, and the Pensions Duties Bill, were read a second time.

Petitions presented. By Sir E. KNATCHBULL, against the Malt Duties, from various Parishes in Kent. For Parliamentary Reform, by Mr. BORRODAILE, from Newcastle-under-Line:—By Sir M. W. RIDLEY, from Newcastle-upon-Tyne:—By Mr. CARTER, from Portsmouth:—By Mr. BEAUMONT, from Alnwick:—By Mr. SANDFORD, from various places in Somerset and Wilts:—By Sir J. MACKINTOSH, from the Weavers of Glasgow; from the Counties of Elgin and Moray, and from Fortrose. By Sir M. W. RIDLEY, from persons in Galway, interested in the Kelp Trade, against any reduction of the Duty on Barilla. For the Abolition of Slavery, by Sir J. ASTLEY, from Pewsey and other places in Wiltshire:—By Sir J. MACKINTOSH, from Crieff and Kemnay, and from the Dissenters of the three denominations. Against the Repeal of the Coal Duties, by Mr. SANDFORD, from the Proprietors and Lessees of the Somersetshire Coal Canal Navigation Company. For the Commutation of Tithes, by the same hon. Member, from South Brent, Somersetshire. By Mr. HODSON, from the Seamen of Sunderland, against contributing 6d. per month for Greenwich Hospital. By O'GORMAN MAHON, from the Button Makers of Dublin, for a Repeal of the Union.

COAL TRADE.] Sir E. Knatchbull, seeing the noble Lord, the Chancellor of the Exchequer, in his place, had two questions to put to him. In the first place, he wished to know when the Duty on Coals was to cease? and secondly, whether any allowance was to be made to the trade for the stock on hand?

Lord Althorp said, that the duty was to cease on the 1st of March; and with regard to the second question, the best answer he could give was, that, according to the information he had received, the stock on hand would be nearly exhausted by that time, particularly in the neighbourhood of the metropolis. It was not intended that coals shipped for London in the interval should be subject to duty, if not disposed of before the 1st of March.

Mr. S. Wortley thought, that the repeal of the coal duty would be attended with very little advantage, unless some measure were adopted for removing the present regulations in the port of London for the sale of coals. Those regulations affected the price of coals, he was persuaded, more than the duty. He therefore wished to know, whether the noble Lord had any measure to repeal them in contemplation.

Lord Althorp said, he was not at present prepared to bring forward any proposition on the subject. The noble Lord, in reply to a question from Mr. O'Connell, as to the operation of the coal duties and regulations in Ireland, said that all the local Acts would be taken into consideration, and a general measure adopted.

Sir M. W. Ridley was desirous to know whether the noble Lord intended to take

off the impost called "the Richmond Shilling," levied on coals exclusively which are shipped in the Tyne?

Lord Althorp was anxious to do so, but the matter required some consideration.

Mr. Tennant wished to know if coals were to be exported to the colonies duty free?

Lord Althorp said, it was not intended that coals should be sent to the colonies duty free, but the rate of duty would be lower than at present.

ARRANGEMENT FOR RECEIVING PETITIONS.] Mr. Portman was anxious to take the opportunity of inquiring of the noble Lord (Althorp), whether he had formed any plan by which the petitions on Parliamentary Reform, which hon. Members had hitherto had no opportunity of presenting, might be presented before the great question was submitted to the House on Tuesday next?

Lord Althorp said, that he knew of no way, except the House sat on Saturday. It was highly desirable that the petitions which hon. Members had should be presented, and he would suggest that the House should take Saturday for that purpose.

Mr. Hume thought, that if the House consented to this arrangement, it ought not to sit beyond six o'clock.

The Speaker said, there will undoubtedly be great difficulty in making any arrangement that shall be satisfactory to every one, with respect to the time of the receipt of petitions upon this momentous subject. I am sure that the House will feel, and that they will do me the credit of believing that I feel, anxious there should be no misrepresentation in the public mind that this House is unwilling to extend, to the utmost possible limit, the time for receiving petitions. It is impossible, as it has been said, to stretch the day to more than twenty-four hours, and public convenience has, therefore, required, that as the pressure of other matters is considerable, we should go into the business of the day at five o'clock. Time, however, is allowed for presenting petitions after the ordinary business has been gone through, as well as before it has begun; and at the close of the night, every Member has the opportunity, if he has the strength, to present petitions. Still, however, many petitions remain to be presented, and no

other mode of getting them presented suggested itself to me but the proposition now made by the noble Lord. If, therefore, it meets the wish of the House, I should suggest that the Chair should be taken at such an hour as will really give Members the opportunity of presenting these petitions, and I will for that purpose come down at twelve o'clock. At the same time that I say this, I must express my hope, that the House will enable me to do this with effect, and that Members will at that hour assemble in sufficient numbers to prevent the necessity of my sitting at the Table without being able to form a House. I propose, therefore, with the approbation of the House, to come down here and take the Chair at twelve o'clock on Saturday.

Lord *Althorp* bore his testimony to the zeal which the right hon. Gentleman had always manifested in the discharge of his arduous and fatiguing duties. The noble Lord hoped that no other business would be brought forward than that to which the day was to be devoted, and he would suggest that the House should adjourn at the time mentioned by the hon. member for Middlesex—viz., at six o'clock.

Mr. *Calcraft* concurred with the noble Lord who had just addressed the House, in the eulogium which he had pronounced upon the right hon. Gentleman, who had for a long period so ably filled the Chair.

The *Speaker* felt gratified by the approbation which had been bestowed upon him, and said that he really felt he had done no more than his duty, and no more than any hon. Gentleman would have done who had the honour of sitting in that Chair. He said, the House would recollect that there were three ballots fixed for Thursday, and, if the House would be pleased to adjourn over that day, the ballots must be taken on Friday, in order to carry into effect the proposition which had been submitted.

Mr. *C. W. Wynn* suggested that there should be a call of the House on Friday, in order to secure a full attendance of Members now in town, which proposition was moved by Sir J. Sebright, seconded by Mr. Hunt, and agreed to.

THE LORD CHANCELLOR AND THE COMMISSIONERS IN LUNACY.] Mr. *R. Gordon* said, the House would probably recollect, that an Act had been passed in 1827 to appoint Commissioners to inspect

the Lunatic Asylums in the neighbourhood of the metropolis, though perhaps, it might not be aware that great good had resulted from that Act. He would only instance one place, the White House at Bethnal Green, which had formerly been a disgrace to humanity, and was now conducted with comparative decency: much of the success of the measure was owing to the unremitted diligence with which his noble friend (Lord Granville Somerset), the Chief Commissioner, had attended to his duties. He would not pretend to do justice to his noble friend by any eulogium; he would only say, that his conduct was above all praise. Of the Act, he wished to observe, that it had been more expensive than he had anticipated, and the fees on the licenses granted by the Commissioners had not sufficed to pay the expenses incurred under the Act. Considering, however, that great benefits to a large class of helpless and unfortunate beings resulted by means of that Act, he thought the House would not object to the few hundred pounds expense, which it occasioned. The Act, however, or rather the Acts now in force, for the first one had been amended by a subsequent Act, were about to expire, and required consolidation, and he moved for leave to bring in a Bill to consolidate, continue, and amend the Acts of the 9th of Geo. 4th, cap. 41, and the 10th of Geo. 4th, cap. 83, relating to the care of Lunatic Persons in England.

Lord *Granville Somerset* rose to second the Motion, and bear his testimony to the great utility of the Act. It had put an end to a great many abuses, but much was yet to be done to secure due attention to private persons. He was happy to have that opportunity of expressing his approbation of the conduct of many proprietors of Asylums, who seemed to be actuated by higher motives than a view to profit. One defect of the present Act, in his opinion, was, that it did not provide any one paid Commissioner. Such a person, to reside in London all the year round, was, he thought, necessary; and he hoped to see some provision for that made in the Bill of his hon. friend. He was sorry that he had then, a disagreeable task to perform, in the vindication of the Metropolitan Commissioners from a charge that had been made against them from a very high quarter. The proceedings of the Commissioners had hitherto received

the sanction and approbation of the noble Lord who had preceded that noble Lord who now presided over the Court of Chancery, and they had hoped to have been so fortunate as to receive an equal degree of approbation from that distinguished individual; but he was very sorry to say, that within the space of last week, some occurrences had taken place which tended very greatly to shake the expectations of the Commissioners in that respect. He was aware that, in adverting to the conduct of the noble Lord who was now at the head of the Law Courts of the country, that House was not the place in which to array his observations; but he must beg to be understood, that in making the observations which he deemed necessary, he was not referring so much to the individual as to the conduct of those against whom the censure had been levelled. No other consideration, save that which sprung from a desire to vindicate himself and his colleagues, should have induced him to speak on the subject in that House, whatever feelings he might have experienced as to the injustice done them. It would appear, that some time last week, the case of a lunatic of the name of Houstoun, came before the Lord Chancellor, in respect to which, he was sorry to say, the Commissioners had been considered in fault by that noble Lord. The Lord Chancellor had on that occasion used language and uttered expressions towards the Commissioners, in the presence of the whole Bar, which could not be otherwise than painful to their feelings, accusing them of meddling and interfering in the most improper manner with him, in one of the most important functions—that of his jurisdiction in cases of lunacy. In consequence of these observations, and finding also from private information, that the reports in the Newspapers of what had occurred in the Court of Chancery were much more correct than had been stated, he and his brother Commissioners had thought it not disrespectful towards the noble Lord—nor did they for an instant contemplate by such a proceeding to interfere with his high judicial functions—to address to him a letter, stating the motives which had actuated them with regard to the case of Houstoun. As the Lord Chancellor, however, had thought proper to characterise that letter in the mode already stated to the House, he trusted they would allow him to read it to

them, in order that they might be enabled to judge whether it deserved such heavy censure. In doing this, however, he did not mean to say that the letter was above observation, or that it was one that it would be proper to be made public; it had been sent to the Lord Chancellor's private house, was intended to be considered as a private communication, and probably had better have remained unknown to the public. Indeed, as far as he (Lord Granville Somerset) was concerned, he had reason to believe that regret had been experienced for the expressions which were made use of respecting that letter, which he begged now to read to the House;—

“My Lord,—The report, such as it appeared in the “Times” and “Morning Herald” papers of Tuesday last, of the case of Mr. Houstoun, a lunatic, gives us reason to fear that, from a misapprehension of the way in which the Metropolitan Commissioners in Lunacy had acted with regard to that individual, your Lordship adopted and expressed an erroneous opinion of our disposition and our conduct in reference to this, as well as to other cases of persons confined under commissions of lunacy.

“We are anxious to state, that we neither directly nor indirectly have ever interfered with any patient under the jurisdiction of the Lord Chancellor, unless in pursuance of the suggestion of the Lord Chancellor himself. We have ever studiously respected his high authority; but we have felt it our duty, whenever circumstances connected with persons confined under his jurisdiction have come to our knowledge, which seemed to require his attention, to submit them to his Lordship, and your Lordship's predecessor never intimated that he considered such a course an undue interference with the functions of the individual to whom his Majesty intrusted his jurisdiction in matters connected with lunatics; but, on the contrary, he uniformly sanctioned and approved of it.

“In this particular case, some of our body, when officially visiting Mr. Stilwell's house, found the lunatic Houstoun in great agitation, and much distressed at the idea of being removed thence to some other place of confinement, and, having ascertained, as far as an *ex-parte* inquiry could inform them, that there was no apparently good reason to justify his removal, one of them wrote a private letter to Mr. Lowdham, that he might acquaint the then Lord Chancellor with these circumstances, and Mr. Lowdham expressed his Lordship's thanks for the information which was thus afforded him. The visitors stated these facts to the next General Meeting of the Commissioners, who decided that their clerk, Mr. Browne, should in a more official manner communicate them to Mr. Lowdham, for Lord Lyndhurst's in-

formation, so that Mr. Houstoun might not be removed from Mr. Stilwell's house without an investigation as to the fitness and necessity of his removal. In consequence of this, Lord Lyndhurst directed Dr. Bright, Dr. Southey, Dr. Turner, and Dr. Hume, the four Medical Commissioners, to proceed to Mr. Stilwell's, to examine Mr. Houstoun, particularly on this point, and to make a special report to him; this they accordingly did, and his Lordship gave orders, through Mr. Lowdham and Mr. Brown, that Mr. Houstoun should continue to be confined at Mr. Stilwell's till his Lordship gave further directions. Since that period various applications have been made to the Commissioners on the subject, as well by Mr. Stilwell as by the other party, and our invariable reply has been, that we could not further interfere; and we have every reason to believe that the replies of our clerk, to similar applications, have been to the same effect.

"Having thus stated, as concisely as possible, the only connection we have had with the circumstances of Mr. Houstoun's confinement at Mr. Stilwell's, we trust your Lordship will publicly relieve us from the charge of presumption and undue interference with the authority of the Crown, which your Lordship is reported to have preferred against us; for we beg to observe, in conclusion, that, in the performance of an irksome duty, we are not conscious of ever having evinced any disposition to exceed the authority conferred on us by the Statute under which we act; and we doubt not that your Lordship will feel that the observations which have been attributed to your Lordship are calculated to deprive the Commission of that public estimation which is essential to the proper discharge of its official duties—We have the honour, &c.

"Office of Metropolitan Commissioners in Lunacy, 19, Margaret-street, Cavendish-square, Feb. 16."

Such was the letter which it was deemed by the Commissioners to be not disrespectful to address to the Lord Chancellor: it in no way impugned the decision of the noble Lord in the case in question; it merely adverted to a misapprehension on his part of the conduct and motives of the Commissioners, and stated, that he had, in consequence of that misapprehension, passed a most unmerited and severe censure on their conduct. The noble Lord had not done them common justice in passing this censure—for, without giving the public an opportunity of judging of the letter, he had characterized it as a most indecent and presumptuous letter, and one that demanded signal re-

proof. He could only say of himself, as one of those who signed it, that he could not feel the slightest regret at having used any single expression contained in it. The noble Lord objected also to that letter, because the Commissioners who signed it had not distrusted those reports in the newspapers which had occasioned them to write it. But, although he was aware it was against the customary rules of that House to make any allusion or reference to the correctness of the reports which daily appeared in the newspapers concerning the proceedings of that House, yet there were no such restrictive regulations with regard to the proceedings in the Courts of Justice, and he had ever found, and had ever been given to understand, that those reports were in general correct, and contained the substance of what occurred in all the Courts. But on this ground it was, that the Lord Chancellor had thought proper to say, the Commissioners had acted indecently. If the report were, as his Lordship stated it to be, grossly incorrect, why did he not call the Reporters before him, and inflict the deserved reproof on them? and if the Reporters in the noble Lord's Court were such that their reports could not be relied on, the first thing he should do would be, to insist on having others more efficient. But he (Lord G. Somerset) believed that the reports in question were substantially correct. The noble Lord had, however, gone further than calling the letter of the Commissioners an indecent one—he had said there was a further consideration, and observed, that the course pursued by the Commissioners deserved punishment; and then he talked of "My Lord Holt," and of "My Lord Chief Justice Willis," and of the methods pursued by them, ending with an expressed intention of consulting the Lord Chief Justice as to the mode and measure of the punishment he should inflict for the offence committed by the Commissioners in writing the letter to him. If the proceedings in the Courts of Justice of this country were to be reported, and if, upon some misrepresentation or injustice done them, individuals were to be so treated for attempting to vindicate themselves by such a letter, it would go all over England that they were to be threatened with imprisonment, because the Lord Chancellor was so great a man, that in facts he won't be wrong,—and in opinion he can't be wrong. Although he greatly regretted that he

should occupy the attention of the House in a matter of such a personal nature, he could not but think he had done only what was right in attempting to clear himself and his Fellow-Commissioners from the stigma which the noble Lord had cast upon them; and, ready as he was to bow to the opinion of the House, he could not but express his sincere hope that he and his colleagues would receive the full benefit of publicity to the explanation which he had deemed it necessary to obtrude on the House.

The *Solicitor General* observed, that the noble Lord had fallen into a great mistake in the recital of the circumstances attendant on the conduct of the Commissioners in the case of *Houstoun*, as to the Reporters of the Court of Chancery, by supposing that they all derived their information from one common source, and that the editors of the two Papers in which the reports complained of had appeared were the Reporters of the Court of Chancery. [*Cries of "No, no!" from Lord Granville Somerset.*] Well, he was glad to find, then, the noble Lord had not laboured under such an erroneous impression; but, in the present case, there were reports of the Chancery Court in only two of the newspapers, and none but those were authors of the report in *Houstoun's* case, so that the noble Lord must have been misinformed when he relied on other sources for his information as to what had been said in the Court. He was not engaged himself in the case, and he was sorry he did not see the late *Solicitor-general* in his place, who was better informed on the subject; because that hon. Member was engaged as Counsel in the case of the lunatic, and had occasion to make some observations on the conduct of the lunatic, and also on that of Mr. Brown, the Secretary to the Metropolitan Commissioners. Sir Edward Sugden mentioned that he had addressed two letters to the Court, one of which was written anterior to the present Lord Chancellor's time, in the month of May, 1830. He was sorry he had not been able to prepare himself so fully as he should have done in respect to this matter, had he been previously made aware of the noble Lord's intention; but, if he mistook not, the impression on the mind of the Lord Chancellor was, that Brown's interference in the matter was highly irregular and improper. He came forward on a most unnecessary occasion,

and adverted to the authority with which the Act had armed the Metropolitan Commissioners, using the name of the noble Lord himself, in the first part of the letter which he wrote, as if he sanctioned the concluding paragraph, in which Mr. Brown said, he had the authority of the Lord Chancellor for the detention of the lunatic by Stilwell. Such an interference was deemed by the Lord Chancellor to be of a nature that demanded to be instantly repressed and checked. He certainly understood that the noble Lord's name was used so as to sanction the paragraph which the Lord Chancellor thought offensive, and which he would read to the House. The hon. and learned Gentleman read the following letter:—

Office of Metropolitan Commissioners in Lunacy, 19, Margaret-street, Cavendish-square, May 7th, 1830.

Sir;—I have the instruction of Lord Granville Somerset to acknowledge your letter, addressed this day to the Commissioners, respecting the intention of Mrs. Flower to remove Mr. *Houstoun* from under your care, and, at his Lordship's desire I attended the Lord Chancellor's Secretary in Lunacy on the subject, who has requested the Medical Commissioners will visit, and report to the Lord Chancellor on the propriety of acceding to Mr. *Houstoun's* wishes.

In the mean time, I am to acquaint you, that you are authorised to detain Mr. *Houstoun* until you have the further directions of the Lord Chancellor on the subject.

I have the honour to be, Sir,

Your obedient Servant,

James Stilwell, Esq. ROBERT BROWN.
Moorcroft House,
Hillingdon.

Here was a direct interposition on the part of Mr. Brown, telling Stilwell to detain the lunatic *Houstoun*, as if on the authority of the Lord Chancellor, and that interposition, in his opinion, seemed to be sanctioned by the noble Lord. It might be that Brown had no intention to attack the authority of the noble Lord's name to the concluding paragraph, in which that order to Stilwell was given; but it certainly not only admitted of that construction, but absolutely required an explanation to be construed in any other manner. He believed, if the noble Lord had taken the trouble to inquire from sources which would not have deceived him, he would have found, that the reports to which he had referred were inaccurate; and that although the Lord Chancellor had cast a heavy censure on Mr. Brown for his un-

necessary interference, so far from having thrown any imputations on the Commissioners, the noble Lord had, in the course of delivering his judgment, expressed his anxiety to do justice to the Commissioners, and bore his testimony to their honourable and upright conduct, and to the valuable assistance which the Great Seal and the public had derived from their labours. This would have been the result of his inquiries had he directed them towards sources which would not have deceived him. He was in Court at the time, and though it was not customary for counsel to pay much attention to cases in which they were not engaged, he recollected perfectly, that what he had stated had passed. With respect to the noble and learned Lord's observations on the letter of Mr. Brown, all he had to say was, that in his opinion they were highly proper, and the letter deserved notice. Although the noble Lord had said, it was his intention to canvass the opinion only of the noble and learned Lord, yet he must state, that there was a wide difference between canvassing the opinions of that distinguished and learned individual, and canvassing his judgments. One fact he could state from his own recollection, that, when the Court was pressed to give costs against Stilwell, it was remarked by counsel, that he could afford to pay the costs, inasmuch as the circulars he had sent were so many advertisements of his good conduct, and would prove most advantageous to him in his business. These circumstances he did not detail to the House as matter of law; but to show that it was necessary for the Court to accompany its opinion on this case with observations on the parties connected with it. As to the letter of the noble Lord and others, the House was aware that it was written after the judgment of the Court had been delivered.

Mr. Ross, across the Table, denied that the judgment had been delivered.

The *Solicitor General* thought he was right as to the fact. The letter must necessarily have been written after the judgment was pronounced, for it referred to the observations which accompanied the judgment. In writing that letter, he conceived that the noble Lord and the hon. persons who had signed it forgot the situation in which the noble individual stood to whom the letter was addressed. Right or wrong, the judgment to which it referred was the judgment of the Lord High

Chancellor. Right or wrong, the observations complained of were said to be made by the Lord Chancellor, exercising his judicial functions, and deciding in a case of lunacy. It might be that Mr. Brown, the Commissioners' Secretary, did or did not deserve what had been said of him. It might have been that the imputations or the commendations on the conduct of the Commissioners were right or wrong, but still these observations formed a part of the judgment of the Lord Chancellor. If the expressions attributed to the Lord Chancellor, therefore, had all been uttered, there clearly was no ground for writing the letter which had been addressed to him. If his judgment was wrong, the law of the country allowed no other mode of impugning it but by an appeal. Writing such a letter, therefore, was not the proper course to pursue towards any Judge, even if that Judge was wrong, and had come to an erroneous decision in the discharge of his duty. The noble Lord had stated, that the letter was not intended to be in any way offensive to the Lord Chancellor, but it sometimes happened that the intentions of a writer were not accurately conveyed. He was not now adverting to the conduct of the noble Lord and the other persons who had signed that letter as if they were privileged persons, but upon the same principles which would apply to the humblest individuals; and, looking at the subject in that light, he would take the liberty of saying, that after judgment had been pronounced by the Lord Chancellor, in a case coming regularly before him, they ought not to have fixed upon a newspaper report as if it contained the authorised judgment of the Lord Chancellor, and upon that report to come to the conclusion, that certain observations had been delivered, reflecting on them. Upon this assumption, the noble Lord and others called upon the Lord Chancellor publicly to disavow, or, in their own words, "to relieve them from the charge of presumption and undue interference with the authority of the Court." The writer of the letter in question assumed that those charges had been made against them—assumed the fact to have been proved because they found it in a newspaper report. No person in a Court of Justice ever decided that a report contained a true statement of facts because it had appeared in a newspaper; and he was sure that if a person quoted such a

report as evidence of any fact, or any decision, he would be laughed at, and such an attempt would call for the strongest animadversion from any Judge who was required to admit that such evidence was correct. It might be that what he had stated as to newspaper reports was not known out of the profession, but it ought to be known to persons out of the profession as well as in it; for it was obvious that the same rule was acted upon by persons out of the profession. If a Judge was to be called upon, however, to answer for any newspaper report of his judgments and observations, there would be such a weight upon his mind, lest any observation should be inaccurate, or should bear too hard upon individuals, as must necessarily break in upon that clearness, impartiality, and sound discretion which were so necessary in the administration of justice, and all of which were more particularly called into exercise at the moment a Judge was pronouncing his judgment. If at such a moment a Judge had not confidence in his own powers, and was not secured from being called upon to account for every observation that might be ascribed to him in newspapers or other publications, he could not possibly do his duty with satisfaction, either to himself or the public. In this particular case the newspaper reports were not only assumed to be accurate, but the judge was called upon to do justice to individuals, who felt themselves aggrieved by a public recantation of what had been ascribed to him. Now, he put it to the noble Lord, as one of the writers of the letter, how a Judge could make a recantation, unless he pronounced it from the seat of judgment, or that he went to the press, for a private letter would not have been satisfactory. He put it to the House whether it was consistent with the administration of justice, or how justice could be administered, if a Judge's observations when giving judgment were found fault with, and appeal was to be made, on every occasion, not to the legitimate tribunal pointed out by the law, but to the public; and still more, if that appeal was to be founded upon unauthorised paragraphs in newspapers? He supposed the noble Lord meant to bring forward this subject seriously, or he would not have called the notice of the House to it; but he would take leave to tell the noble Lord, that the

mode he had adopted was not the mode he ought to have taken. He fully concurred in what had been said as to the respectability of the Commissioners authorised by Parliament, but those Commissioners were not placed in such a situation that they should interfere with the exercise of the powers of the person who held the Great Seal, or point out the course which he ought to take in any lunacy case, in any judgment he was called upon to pronounce, or in any personal observation he thought fit to make in the exercise of his judicial functions. He would not detain the House further. He admitted that he was not well prepared to enter into the merits of the case. The House, however, must see how extremely inconvenient and unjust the course was that had been pursued. If the House entertained such a subject in order to enable the Lord Chancellor to make his defence, without which no opinion the House could deliver would be just, the Lord Chancellor must be called before it, and evidence gone into as to all the facts. If the House was not prepared to adopt such a course, it could not come to any other result. Under these circumstances, he hoped the House would be of opinion that the noble Lord had not made out any case against the Lord Chancellor, and that it would not countenance the course of proceeding which had been adopted. For his own part, he was satisfied, that what had been said by the Lord Chancellor, instead of being such as the newspapers represented, as far as regarded the Metropolitan Commissioners, was quite the reverse. Others had been alluded to by the Lord Chancellor, but their conduct was put in contrast with that of the Commissioners, whose conduct and character were thereby sufficiently vindicated.

Mr. Ross observed, that when Lord Lyndhurst was Lord Chancellor, instead of being offended, he always expressed himself gratified by the Commissioners directing his attention to any particular facts connected with the lunatic cases which were brought before him. The hon. and learned Gentleman contended, that the letter was written after the judgment of the Court was pronounced in the cause; the facts, however, as to time, were these: The observations complained of were made by the Lord Chancellor on Monday se'nnight; and at the conclusion of those observations he had said, that he should

take an early opportunity of disposing of the cause. The letter was written on the following Wednesday, and the cause was disposed of on the Friday. The letter, therefore, was written before the judgment was pronounced, and the object of it was, to give the Lord Chancellor an opportunity of correcting the erroneous impressions which it appeared he had taken upon the subject. As to Mr. Brown's letter to Stilwell, on which the hon. and learned Solicitor General laid so much stress, as if it conveyed the idea that the Commissioners had interfered improperly with the jurisdiction of the Great Seal, the clear and natural interpretation of that letter was, that the directions to Stilwell were under the Lord Chancellor's authority. The Commissioners never called in question the Lord Chancellor's judgment; they were not parties in the cause, and never contemplated impugning the judgment; but what they complained of was, that the Lord Chancellor, misinformed as to the facts, should make observations reflecting on individuals who were not judicially before him, and had no opportunity of refuting or denying the statements which reflected on them. As much blame was attributed to the Commissioners for acting on newspaper reports, he was bound to say, that what had fallen from the Lord Chancellor was communicated to him before he saw the reports in the newspapers; and, therefore, the Commissioners had not relied exclusively on the accuracy of the newspaper reports. As to the letter, he conceived that the Commissioners had a perfect right to send such a letter to the Lord Chancellor, and he, for one, was not ashamed that he had put his name to it. He thought that the Commissioners had additional right to complain that that letter was followed by a threat from the Lord Chancellor of committing them to prison.

The *Attorney General* said, that this discussion illustrated the extreme inconvenience of referring to observations made by a Judge in his judicial capacity. The hon. Gentleman who had just sat down, stated for the first time, that the letter of the Commissioners was not founded on the Reports which appeared in the *Times* and *Morning Herald* newspapers, but upon private information. The letter stated no such thing.—It merely referred to the reports in the *Times* and *Morning Herald*, and therefore it was unfair now to the

Lord Chancellor, to state that the letter was founded upon other information, when the letter itself only called his attention to what was stated in the two newspapers. Now, as a private informant had been alluded to, he (the Attorney General) would have liked to know who that private informant was. He did not like alluding to individuals, but when he recollected that the Commissioners thought fit to disclaim a letter written by the person who acted as their Secretary, he should not be surprised to learn that the private information was derived from the same quarter, and, coming from such a quarter, he was not surprised that it had not been entirely consistent with truth, and had given rise to the misunderstanding which had taken place. The Lord Chancellor was warranted by the facts to state what he did with respect to Mr. Brown, the Commissioners' Secretary, and he was not bound to disclaim any observations he thought fit to make respecting the Commissioners. The Lord Chancellor was not only authorized, but bound to give his opinions, and the reasons on which those opinions were founded, for the satisfaction of the public, whose servant he was. On the occasion referred to, however, the Lord Chancellor went out of his way to compliment the Commissioners, and expressed his conviction, that they were not parties to the irregularity committed by their Secretary, in writing the letter to Stilwell, although that letter was dated from the office of the Commissioners. The circular which the Secretary had previously written, modestly suggesting that the powers of the Great Seal, with regard to lunatics, should in a great degree be conferred on the Commissioners had met the Lord Chancellor's eye, and naturally excited attention to any thing proceeding from the same individual. The letter containing this monstrous proposition was formally disavowed by the Commissioners, but Mr. Brown, the writer, still continued to act as their Secretary. He was sorry that the discussion had taken place, because it must lead to personal animadversions and recriminations. But in another sense he was glad of it, for it would give publicity to the Lord Chancellor's determination of supporting the dignity of his office.

Lord *Granville Somerset* explained. He had disapproved entirely of Mr. Brown's letter, and disclaimed it, and it

was not Mr. Brown who had suggested the proceedings to him.

Mr. *Robert Gordon* defended the conduct of the Commissioners, but wished it to be understood, that his noble friend had complained less in his character of a Commissioner, than in that of a Member of Parliament.

Mr. *George Lamb* thought it was very much to be regretted that such an inconvenient and indecorous letter had been sent to the Lord Chancellor. It had contained an assumption of authority which could not but be very offensive to that Judge, as well as calculated to excite his jealousy of a trespass on his authority.

The *Attorney General* could not but repeat that the letter was in every respect most ill-advised, and only calculated to excite suspicion, and bring down censure on Mr. Brown.

Leave given to bring in the Bill.

IRISH INSURRECTION ACT.] *O'Gorman Mahon* presented a Petition from Stephen Fitzgerald, complaining of having been transported under the Insurrection Act. The hon. Member characterized the case as one of great hardship and injustice, and accused a Major Warburton with having been guilty of great oppression and cruelty.

Mr. *Ellice* thought, that the hon. Gentleman ought to have mentioned the matter to some of the authorities previously to presenting the petition.

O'Gorman Mahon was proceeding to make some further observations on the hardship of the case when,

Mr. *Shaw* moved, that the House be counted, and there being only twenty-one Members present, an adjournment necessarily took place.

HOUSE OF LORDS,

Friday, Feb. 25, 1831.

MINUTES.] Bills. The Canada Lands Bill, and the Poor-Rates Returns Bill, were read a second time.

Petitions presented. For Parliamentary Reform, by Earl GOWER, from the Staffordshire Potteries, signed by 68,000 persons:—By Earl GREY, from Bristol, Berwick-on-Tweed, Bilstone, Belfast, Devonport, Waterford, Thorne, Winchester, and Waterford:—By the Marquis of LANSDOWN, from Lymington and Ayr:—By the LORD CHANCELLOR from Leeds, signed by 17,000 and odd names:—By Earl SPENCER, from a number of Merchants and other persons resident in London; and from several Parishes, for a Repeal of the Assessed Taxes, and for Retrenchment. By Earl DUDLEY, from Wolverhampton, against the Truck System. For the Repeal of the Duty on Coals, by the Duke of NORFOLK, from Shoreham. Against Slavery, by the Bishop of WINCHESTER.

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TER, several Petitions:—By the Marquis of LANSDOWN, from Banff, Falkirk and Elgin. For the Reduction of Taxation, by Lord WHARNCLIFFE, from Liversedge, and other places in Yorkshire. By Earl GREY, from the Shepherds of Tweedale, against the Tax on Shepherd's Dogs; and from places in Ireland, complaining of Distress, and imploring Relief. By the Earl of WINCHILSEA, from Southampton, for an Act to enable individuals to endow Churches. For the Repeal of the Union, by the Marquis of LANSDOWN, from Stradbally; and from Wareham, and other places, against Idolatrous practices in India.

PARLIAMENTARY REFORM.] Earl *Dudley* presented a Petition from Worcestershire, in favour of Parliamentary Reform, signed by a great majority of the inhabitants. He acknowledged that he did not concur in the prayer of the petitioners, being very well content with the old system; but if any change were to be made, he thought that the admission of Birmingham and other large towns to the benefits of the elective franchise would be the best.

PROCEEDINGS OF THE HOUSE.] Lord King rose for the purpose of presenting several Petitions to their Lordships, but

The *Lord Chancellor* stated, that if the noble Lord was merely about to present petitions, without making any observations on them, their Lordships would, of course, immediately receive them; but if they related to matters of Church and State—such as those on which the noble Lord had recently been in the habit of addressing the House, and which the noble Lord would do well to broach in some other manner, as he (the Lord Chancellor) had to address their Lordships on a subject of importance, and as his address would be bounded within some limits—the noble Lord would perhaps allow him precedence.

Lord King said, that one of his petitions related to a peculiar grievance, and was a subject new to the House; but he would with pleasure give way to the noble and learned Lord.

REFORM IN CHANCERY.] The *Lord Chancellor* rose to present the second of the Bills which he had mentioned to their Lordships on Tuesday last, in a speech of great length. He owed too much gratitude to their Lordships for the attention with which they had listened to him on that occasion, to trespass upon them for more than a few moments at present; but he wished to make one observation respecting the Acts relating to Bankrupts. His opinion was, that the adjudication of bankruptcy was not on the best footing.

As the law now stood, any man who had a debt of 100*l.*, or any two men who had debts, which together amounted to that sum or more, had nothing to do but to sign an affidavit, and give a bond for the costs, in the absence of the party against whom the process was directed, in order to have any individual declared a bankrupt. They had but to allege that he had committed an act of bankruptcy, by being denied to creditors when at home, or by lying in prison for a certain time, and the docket, as it was called, was at once struck against him, though he might be a most respectable, nay, solvent man, and though he neither knew what was going on, nor had any opportunity of defending himself. The consequence often was, that when the bankruptcy was contested, and the parties had to go into a Court of Law to support the commission, it was found that great injustice had been committed, and the assignees, who had not the power of bringing forward any other acts of bankruptcy, were seldom able to make good the original. The subject was, however, one of great difficulty; and the remedy which had been suggested was in shape of a motion for a rule *nisi*, with power to shew cause against it, but which carried certain objections with it of great force. The best course was, to deal with caution, and, if the Legislature agreed to his proposition of reforming the tribunal, an opportunity would be given, by the working of the new system, for the finding of a remedy for so great an evil. The course he would suggest would be, that their Lordships should not take this matter under consideration until the new judicature was, as he hoped to see it, in actual and successful operation, and he had no doubt that the experience of the learned and skilful persons to whom the Courts were to be confided would guide them to a sufficient remedy. He was happy to add, that during the last two days he had understood that his proposition had the entire concurrence of those who were most competent to pronounce an opinion upon it. The noble Lord concluded by moving, that the Bill be read a first time.

Lord *Lyndhurst*, after complimenting the noble and learned Lord on the able speech with which he had introduced his measures, and observing, that time for consideration must necessarily be given before any noble Lord could form correct opinions respecting those measures, wished to state at once in what points he agreed

with the noble and learned Lord, and in what points he wished to reserve his opinion until he had an opportunity fully to consider all the details of his noble and learned friend's measures. He was sure their Lordships had had too much experience of him to fear that he would occupy any considerable portion of their time. He repeated, that he did not mean to argue the question, but only to advert to those points in which he concurred with the noble and learned Lord, and those on which he must remain in doubt until the details were before the House. With respect to the first measure, the Bill which stood for commitment that day, he entirely agreed with the principle of the measure, as introduced by the noble and learned Lord. Of the details, of course he could not be aware; but there would be ample time to consider them hereafter. Soon after he (Lord *Lyndhurst*) had the honour of holding the situation which the noble and learned Lord now held, he had commenced several amendments, with respect to the superintendence of the Committees of Lunatics, which he was glad the noble and learned Lord had adopted. With respect to the second provision of the Bill previously introduced, he thought the noble and learned Lord had acted wisely and discreetly in retaining the Commissions. It was frequently necessary that inquiries should be made in the neighbourhood of lunatics, to which inquiries those Commissions were the most competent. It sometimes happened, however, that cases of great difficulty occurred: and while he had the honour to hold the Great Seal, there were three or four of such cases. The noble and learned Lord had adverted to that of Lord *Portsmouth*, and there had been also the cases of *Davis*, *Brand*, and others. For the purpose of preserving the order and sobriety and decorum of the proceedings in these cases, an authority higher than that of the Commissioners seemed requisite. He had, therefore, applied to the noble Lord, the Chief Justice of the Court of King's Bench, to ascertain whether it would not be practicable that one of the Judges should act in concert with the Commissioners; but difficulties manifested themselves in the execution of such a plan, which induced him to abandon it. Undoubtedly he had thought, that if a single Judge could be commissioned for that purpose, it would be very advantageous; but after the most careful search,

not a single instance could be found of such a measure. It had been his intention, therefore, as the noble and learned Lord had said, to propose, that in any case in which, in the opinion of the Great Seal, a Judge ought to preside, power should be given to include him in the Commission.

He was not acquainted with the details of his noble and learned friend's measure as to lunatics, but he approved of the principle, and recommended it to their Lordships' adoption. He would then pass to what his noble and learned friend meant to do with respect to the Court of Chancery. Although his noble and learned friend was quite justified in making the long statement which he made in opening his views to their Lordships, yet the outline of his measures was short. The first point to which he would advert, under that head, related to the mode of paying the Masters in Chancery. That system had occupied his attention, and he had endeavoured to alter it, with the assistance of the Master of the Rolls, but he was met at all points by the fees of the Masters; so that he found it impossible to effect his object by his own authority; and he had therefore brought a bill into this House for the purpose. That bill was approved by their Lordships, and passed this House, but it was not so fortunate in the other House, where it was strongly opposed, and dropped. But he took no merit to himself for that, for it was merely carrying into effect one of the measures recommended in the Report of that very Commission which had been appointed to inquire into the Court of Chancery, and which Report had been so much abused, and so little perused or understood. Its object was, to remove a barrier which stood in the way of other improvements, and he was glad that his noble and learned friend had taken the same course; and he hoped that the measure now supported by his noble and learned friend in this House, and by his colleagues in the other House, would be attended with more success than the one to the same effect which he had proposed. Another improvement which his noble and learned friend had in view was, the transfer of the business of taxing costs from the Masters in Chancery to the Six Clerks. That was one of the improvements recommended by the Chancery Commission of 1826, and it was one, of which he thoroughly approved, and hoped that it would now be adopted by this and the other House. He had attempted in vain

to carry it into execution, but he trusted it would at length be effected. There was another improvement under this branch of the subject which he cordially approved, and which he had anticipated—he meant the alterations to be made in the practice of the Registrar's Office of the Court of Chancery. He had considered that subject in conjunction with that able and excellent Judge, the Master of the Rolls, with a view, if possible, to get rid of the long recitals in decrees registered in the Court of Chancery, forming an encumbrance of paper which had become one of the great nuisances of the Court. This he had it in contemplation to remedy, if possible, in order that by getting rid of this, as well as other evils, he might remove the odium under which the Court of Chancery laboured. But here again he was met by the fees of the Registrar, and of the Copying Clerks, which depended on the length of the decrees. He had no right to deprive them of these fees by his own authority, and he was obliged to abandon the attempt to abate what, certainly, he as well as every one else, considered to be a nuisance. He then brought a bill for the purpose into that House, which was passed by their Lordships, but failed in the other House. That alteration too, was one of the recommendations of the Chancery Commissioners of 1826, and he hoped that his noble and learned friend would have more success than he had, and that the improvement would, at length, be carried which he had struggled, both as Lord Chancellor, and as a Peer of Parliament to effect, in vain. These were the points on which he cordially concurred with his noble and learned friend. He now came to those branches of his noble and learned friend's general plan as to which he had his doubts, and on which he forbore to give any opinion at present. But before proceeding to the country in the discharge of his duties, he felt it due to his noble and learned friend, to their Lordships, to the public, and to himself, to state the points on which he had doubts, and the reasons for those doubts. The first of these points was the alteration of the mode of taking evidence in Courts of Equity. His noble and learned friend had put the alteration he proposed in this respect in a very captivating point of view in his opening speech; but he assured their Lordships that the matter was not without its

difficulties. When he went to preside in the Court of Chancery, with all the prejudices of a Common-law lawyer, he thought that it would be easy to effect an improvement in this respect. But on looking at the matter more narrowly, he found, or thought that he found, great difficulties on the subject; and he, with many others who had the same prejudices, began to doubt the policy or expediency of altering the established mode of taking evidence in Courts of Equity. Several of the Members of the Chancery Commission of 1826 had begun their labours with precisely the same view of the matter which he then entertained, and he might particularize the present Chief Justice of the Common Pleas, Mr. Justice Littledale, Doctor Lushington, and Mr. Smith. They thought at first as he thought on this subject, and were desirous to substitute the Common-law method of taking evidence for the mode at present established in Courts of Equity. They attempted to bring over the rest of the Commissioners to their views, and there was no point more anxiously and thoroughly sifted and discussed by the Commissioners than this; but the result was, an unanimous opinion that the present mode of taking evidence in Courts of Equity ought not to be deviated from. They saw the inconvenience and disadvantages attending that method of taking evidence, but they also saw, or thought they saw, that the inconveniences and disadvantages which would be the consequence of changing the method would be still greater, and, upon the whole, they thought it better that there should be no change. He did not mean to say positively that they were right in this view of the matter. He did not at present argue the case. But he stated this as one of the grounds of the doubt which existed in his mind, as to whether this part of his noble and learned friend's arrangement could be carried into effect with advantage. He did not state it as a reason for decided opposition, but as a reason for pausing and considering the matter further before he came to a decided conclusion on the subject. When he had first applied his mind to the consideration of the point, he had found great difficulties in it. No doubt there were some apparent absurdities in the mode of taking evidence in the Court of Chancery; but he could tell their Lordships, that the Judge who presided in the Court of Chan-

cery had very seldom to decide a question upon a balance of evidence, without that evidence having been before sifted in a Court of Common-law. The cases occurred but rarely in which the Lord Chancellor had to form his judgment upon a balance of evidence; and when the cases did occur, the practice was to direct an issue to be tried in a Court of Law before, a Judge and Jury, who saw and heard the witnesses. It must, therefore, be very seldom that a mistake in point of fact could be committed in the Court of Chancery. The great advantage of *viva voce* testimony was, that the witness was seen and heard by the Judge and Jury but all this advantage would be, in a great measure, lost, when the evidence was taken before one Judge, and the cause was to be tried by another, and yet this would be the case when witnesses would be examined on his noble and learned friend's plan. Counsel and solicitors would, of course, in most cases, attend on each side to examine and cross-examine, and this would be attended with great expense and embarrassment to the parties. And then he would ask his noble and learned friend, whether his own experience had not taught him the very defective mode in which a case was brought before a Common-law Court by the report of the *Nisi Prius* Judge, although it was the best shape in which the evidence could be brought before the Court? For his own part, the report of the Judge, read on motions for a new trial, had often appeared to him little better than unintelligible jargon, until the case was explained by the observations of those who had been present at the trial; and yet this would be the situation of the Court of Chancery with respect to the evidence when taken on his noble and learned Friend's plan. Why did he say this? His reason was merely to show the grounds of the doubts which he at present entertained, whether it would not be better to leave the Court of Chancery to direct issues as at present, when the case depended on a balance of testimony, than to substitute a regular and exclusive tribunal for the trial of issues for the Court of Chancery. There was another consideration, connected with this part of the subject, well deserving of attention. One great object in Courts of Equity was, to prevent the evidence for the plaintiff being seen by the defendant until he had closed his own evidence in defence; and the purpose of this

obviously was, to deprive the defendant of the means of making a fraudulent or fabricated defence. Courts of Equity were so strict in this respect, that before the Court would consent, on any ground, to enlarge publication, the person applying for that enlargement was compelled to swear, that he was unacquainted with the evidence taken on the other side. Now it would be quite impossible that this advantage could be preserved when the evidence should be taken on his noble and learned friend's plan. The investigation in most cases could not be concluded in a single day. There must be an adjournment, and the defendant would thus be aware of the evidence on the other side in time to enable him to set up a fabricated defence; and of this opportunity, if he was a dishonest man, which defendants unfortunately too often were, he would not fail to avail himself. This was an important part of his noble and learned friend's plan; and as he was not, at present, prepared to give it his full concurrence, he stated the difficulties attending it merely to show why he could not accede to that part of the plan until he had seen the details and had further considered the whole subject. He should be glad if, in the result, he could agree with his noble and learned friend; but if he should feel himself compelled to differ from him, he would state the grounds of dissent fairly and frankly, and without any party or personal considerations. These questions about the Court of Chancery had been too often mixed up with party and personal feelings and considerations. But away with such feelings and considerations in treating of these subjects, which were in reality no party matters. Such questions ought to be treated with the utmost frankness and candour, for all of them could only have one object in view—and that was, to put the Court upon the best footing as a tribunal for the administration of justice. Having said thus much on the subject of the mode of taking evidence, he would, with their Lordships' permission, say a few words on another important branch of his noble and learned friend's plan, and that was, the alteration in the machinery of the Bankruptcy tribunal, which it was hoped would have a bearing backward on the business in Chancery, and diminish the labour of the Judge who presided there. That branch of the subject might be divided into two parts. The administration in Bankruptcy was intrust-

ed in London, and within forty miles round it, to seventy Commissioners, formed into fourteen Lists; and the administration in Bankruptcy in the country was intrusted to Commissioners occasionally appointed for the purpose. The noble and learned Lord, his predecessor on the Woolsack (Eldon), had given much the same character of the country Commissioners as his noble and learned friend now on the Woolsack had given of the Commissioners generally; and therefore it had been Lord Eldon's object to transfer Commissions of Bankruptcy as much as possible from the country to the London Commissioners. Almost all the abuses, indeed, that prevailed in the administration of this branch of law were confined to the country Commissions. This was a conviction which all his experience and observation in the Court of Chancery had confirmed; and he had, in the course of the last Session, stated the remedy which, in his opinion, ought to be applied—and that was, to follow up the plan recommended by Lord Rosslyn, by establishing permanent Commissions in the great towns in the country, in the same manner as in the metropolis. His noble and learned friend, as he understood him, meant to retain these Commissions, and to appoint Lists for places beyond forty miles from London; and he was glad that his noble and learned friend had so far concurred with him, and he thought that his noble and learned friend had therein acted wisely and prudently. A great deal had been said out of doors about the London Commissioners, who had been made the subject of much abuse. That some young and rather inexperienced men were appointed, and that some men retained these appointments after being far advanced in age, was certainly true. He knew and admitted it; but at the same time he must say, that the Commissioners generally, and as a body, were as able men, and as good lawyers, as any in the profession; and were, to say the least, in that respect fully on a footing with those who insulted and reviled them. He alluded to a petition presented a short time ago to that House, relative to the Commissioners, in which the grossest, and, he was convinced, the most unfounded charges were made against them. He would say nothing as to the meeting at which that petition was agreed to, because, according to the newspaper reports, he

himself had been abused at that meeting. The duties of the Commissioners might be divided into two parts—the administrative or ministerial, and the judicial. As to the ministerial duties, there could not be a better tribunal for the performance of that part of the duties than that of the London Commissioners—at least that was his opinion. It was a tribunal, also, which readily adapted itself to any quantity of business. Sometimes, as was well known, there was a great deal of business in Bankruptcy, and at other times very little; but this tribunal adapted itself easily to all circumstances, be the business more or less. Then as to the judicial part of the duties, he was satisfied, that, on the whole, these had been well done—done with very great diligence, ability, and intelligence. In support of this he might refer to a very strong fact—the smallness of the number of appeals from the decisions of the London Commissioners. The appeals were very few in proportion to the business done; in these few appeals there were very few reversals. He had inquired into the proceedings of the third List during the three years and a half in which he held the Great Seal, and in all that time, out of 160 Commissions there was only one appeal, and even that appeal was dismissed with costs. It was merely by accident that he took this third list as the subject of inquiry, and not from any idea that the Commissioners composing it were superior to those in the other lists. This was a strong fact to show that the Judicial duties were well performed. He knew the answer that had been given to this at the meeting to which he alluded. It was said that parties were deterred by the expense of appeals. He had never found, however, that in a suit in Chancery the parties were much deterred from litigation by considerations of the expense, and, in point of fact, they were not deterred for that reason in this instance, since there were abundance of appeals from the judgments of the country Commissioners. Still he did not mean positively to say, that the business might not be as well or better done in another way, and by another tribunal. He merely stated these things as a reason for reserving his opinion as to that part of his noble and learned friend's plan, till he had an opportunity of seeing the details, and of further considering the whole subject. He had now concluded the observations which he had to make on

the propositions which had been submitted to their Lordships by his noble and learned friend. As to what might be called the financial part of the arrangement, he was not as yet sufficiently acquainted with it to be competent to make any observations upon it, and he believed that it would be necessary for their Lordships to call for several documents on that subject, before they could thoroughly understand it. There was one particular, however, on which he was desirous to make an observation. His noble and learned friend had stated, that the diminution which these arrangements would make in the income of the Lord Chancellor, was 7,000*l.* a year. By his calculation, the diminution was only 2,500*l.* The whole of the Lord Chancellor's emoluments amounted to between 14,000*l.* and 15,000*l.* a year—arising partly from fees in Chancery and in that House, and partly from his salary as a Judge, and his salary as Speaker of that House. Of this sum, 2,500*l.* was paid to the Vice-chancellor, whose office was at first experimental, and Lord Eldon having given up 2,500*l.* of his income as Chancellor, to provide an income for this experimental Judge, the whole extent of the loss to the Lord Chancellor by the proposed arrangement would not be more, as he calculated, than 5,000*l.*; but then he retained, as he conceived, fees to half the amount from the Commissions, which reduced the loss to 2,500*l.* Of course, this observation was founded on the supposition that his noble and learned friend meant to retain the Commissions, and only meant to intrust them to a new tribunal. Now, he had this observation to make, that as long as it was thought proper to place the Lord Chancellor at the head of the peerage, his income ought not to be less than 14,000*l.* or 15,000*l.* a-year, more particularly considering the precariousness of the office; and, in his opinion, the 2,500*l.* which was paid to the Vice-chancellor ought to be resumed, and that sum ought to be made up to him out of the Suitors' Fund, which could very well afford it. He was decidedly of opinion, that by this, and other means, the emoluments of the Lord Chancellor might be made up to the full sum of 15,000*l.* a-year. Then as to the increasing of the Lord Chancellor's retiring salary to 6,000*l.*, it was to be considered, that there might be three or four retired Chancellors in existence, and then he was afraid, that the

other House would hardly agree to allow the 6,000*l.* to so many retired Chancellors, although means might be found to make up that sum, by appointing retired Chancellors to some other proper situations—such as head of the Privy Council—and then a further allowance might be made in addition to the existing retired salary. At present, the retiring salary ceased on the Ex-chancellor's accepting another appointment. There might be some difficulty in forming a proper arrangement in this respect, but he did not think that it was impossible. He begged pardon for detaining their Lordships so long. He was glad, that so much was now likely to be done of that which he had attempted to do, though he had unfortunately failed, as he was anxious that there should be an end of the odium which had been attached to the constitution of the Court of Chancery. There were two points only as to which he felt considerable doubt—the change as to the Commissioners of Bankrupts, and in the mode of taking evidence in the Courts of Equity; the latter certainly was a most important change, and one which deserved the gravest consideration. He knew, that the Master of the Rolls did not on that head agree in opinion with his noble and learned friend, but he hoped that at last they would be able to come to a just conclusion on the subject, and that the change, if change should be made, would be effected in such a way, that, in case it should prove a failure, they might easily retrace their steps. With this precaution, it might, perhaps, be worth while to try the effect of a new system. He had only been anxious to throw out these few suggestions before he left town on his official duties, and he thanked their Lordships for the attention with which they had heard him.

The *Lord Chancellor* said, that nothing could be more satisfactory to him than the observations and explanations of his noble and learned friend, and the very candid manner in which he had stated his approbation of those parts of the general plan in which he concurred, and the equally fair and candid manner in which he had stated and explained his doubts as to other parts, which he could not at present fully approve, but which he by no means pledged himself to oppose. It was satisfactory to hear his noble and learned friend state his views so candidly and fairly, distinguished as his noble and

learned friend was, by varied learning and great experience; and he trusted, now that his noble and learned friend had mentioned the difficulties that pressed on his mind, that he should be able, as it would be his duty, to remove the difficulties, or so to vary and modify his measure, as to keep clear of them. He should be very glad if he could obtain the approbation of his noble and learned friend to his general plan, and any suggestions from him would be listened to with the most earnest and respectful attention. It might be thought sufficient to have said this much respecting his noble and learned friend's observations and explanations, since he had not pledged himself to oppose even those parts of the plan as to which he at present felt doubts; but he was anxious to say a few words respecting the grounds and reasons of his noble and learned friend's doubts, as otherwise, an injurious impression might go abroad, as to the propriety and advantage of some of the most important parts of the measure. It was true, as his noble and learned Friend had observed, that the subject ought to be treated openly, frankly, and candidly, and without personal or party feelings, and both his noble and learned friend and himself had, he was convinced, only one common object; and, with that impression on his mind, he would shortly advert to one or two of the difficulties which pressed on his noble and learned Friend's mind. The first of these three Bills—that which related to Lunatics—was more his noble and learned friend's measure than his, especially the second branch of it, and therefore he was not surprised that his noble friend should approve of that being carried forward to a successful conclusion. As to the mode of paying the Masters, he really was not aware that this had been part of the bill which had gone down last Session to the other House, and had dropped, owing to the demise of the Crown, and which certainly he had opposed and retarded [*Lord Lyndhurst*—“It was a separate bill.”]—Why, then, if it was, he had certainly not opposed that bill; for he was not aware of its existence. What he had opposed, and that vehemently, but still most conscientiously—was that bill, by which it was proposed to appoint an additional and new Judge in Equity. He was not aware of the bill for altering the mode of paying the Masters, which coincided with the

view which he himself entertained on that subject, and he had no doubt but that his noble and learned friend would concur in a measure, which, it appeared, he had himself anticipated. As to the report of the Chancery Commissioners of 1826, he quite agreed with his noble and learned friend, that few persons had perused it with much attention, and perhaps that might be said of himself; for he really did not know that the Commissioners had recommended the payment of the Masters solely by salaries. But still, the fact was, that he had perused the whole of that Report from beginning to end; and what he thought he found there was, not a recommendation to pay the Masters by salaries only, but a recommendation to pay them partly by fees and partly by salaries—the very worst of all possible ways, for it united the disadvantages of both modes of payment. If the Master should be indolent, and the salary was 2,000*l.* or 2,500*l.*, then he might say, “I am sure of this, and can live very easily on my salary, and need not trouble myself much with business.” If he was avaricious, the salary would be no check on his disposition to create delay and expense in the suits, in order to multiply his fees. There would be no check on avarice, but indolence; so that this mixed mode of payment was the very worst plan that could be devised. His plan was, to pay the principal officers by salaries only, and the inferior officers by fees—not upon the intermediate steps of procedure, but on the causes being concluded—so as to obviate all temptation to create delay and expense, in order to multiply the fees. Then, as to the mode of taking evidence, neither the party nor the Judge, as the system at present existed, saw the witnesses. It might, perhaps, be difficult to substitute another mode; but he was far from thinking it impossible; and he certainly did think, that it would be a great improvement to have the issues tried in the Master’s Office, instead of sending them to a Court of Common Law, leaving it to the Lord Chancellor to decide on questions of law, and on new trials, after the facts had been ascertained by trial in the Master’s Office. As to the difficulties of this mode of taking evidence, they had the experience of proceedings of a similar kind in Scotland, to guide them. The Scotch, about four or five hundred years ago, had been in the civil law stage, that in which the Court of Chancery and Doctors’ Commons now are

in this country; that was followed by the second stage, in which examinations were taken by Commissioners, but in the presence of the parties and their counsel and agents, if they chose to attend and question the witnesses; and of late, the Scotch had got beyond that, and had reached the third stage, in which the issues of fact were tried before a Judge and Jury. It was not surprising that Dr. Lushington should have had a partiality to the first stage, which was that of his own Court, the Doctors of Civil Law being, as was well known, very much attached to their own ways; neither was he surprised that his learned friend had not made a very vigorous defence of the principle of *viva voce* examination, with a partiality to which, he was said to have begun the investigation. According to his (the Lord Chancellor’s) plan of proceeding gradually, he proposed by his Bill to take one step, from the first stage to the second, in the hope that this would enable him to make a safe advance to the third stage. The Chancery Commissioners, mentioned by his noble and learned friend, might have concurred, for anything he knew, in the expediency of retaining the existing mode of taking evidence; but if so, some of them must have altered their opinions since 1826. Before he had submitted his plan to their Lordships, he had laid it before many gentlemen of the profession, some of them having been themselves Commissioners in 1826, and left them to discuss it among themselves, he not being present. He had absented himself, as the freedom of urging and discussing objections might otherwise have been restrained by delicacy, and they had approved of his plan; so that if the Chancery Commissioners of 1826 were unanimous in approving the continuance of the present system of taking evidence, they had since taken a much sounder view of the subject. As to the Commissions of Bankruptcy, it was notorious, that in the country the attorneys made jobs of them, and yet it was equally notorious, that in many places, some of the greatest men and the ablest lawyers—Mr. Serjeant Cross, Mr. Losh, Mr. Evans, afterwards Recorder of Bombay, and some others whom he might mention—had acted in these Commissions. It was but fitting, that a word should be put in for the country Commissions, when they had been so severely attacked. But his general objections did not apply to the Commissioners either in town or country,

but to the system. He differed from his noble and learned friend as to Lord Eldon's observations on the subject, and could not suppose that these observations were confined solely to the country Commissions. He admitted that many of the London Commissioners were able men and excellent lawyers; but, at the same time, it was perfectly well-known, that some of them fell into the grossest blunders. For instance, it appeared in actions at law, that those composing one of the lists, had found a man a bankrupt on an act of bankruptcy supposed to have been committed by the son, and an act which, after all, was not an act of bankruptcy. The Commission was, of course, superseded, and the aggrieved party recovered damages against the Commissioners. But in these cases the proof was often difficult; and in the case mentioned, although it was proved, the unfortunate sufferer got only trifling damages for what to him was, perhaps, total ruin; and this blunder was committed by the celebrated fourteenth list. The great objections, however, to these Commissioners were their numbers—their sitting all together—their practising before each other—and their being constantly called off from the exercise of their duties as Judges, to appear as barristers in the defence of their clients; for it should be understood, that the public did not purchase the whole, but merely a small part, of their time, by the salary paid to them as Commissioners. Against these, and not the men, were his objections directed, for he repeated what he said on the former evening, that it was impossible for any sets of Commissioners, under such circumstances, to give satisfaction. Passing to the other part of his noble friend's observations, he must say, that he thought the plan of taking *viva voce* evidence, instead of interrogatories, would tend much to get rid of all that chicanery which had been long in the Court of Chancery a subject of just complaint and animadversion. With respect to the country Commissions, he must say, he thought the plan proposed would be a great improvement, and that the suitors in bankruptcy would be much benefitted by the appeal, which would at once lie from the assignee in the country to one of the Judges of the new Bankruptcy Court in town. It would also much relieve the Court of Chancery itself, by freeing it from a troublesome and tedious class of business. His noble friend had adverted to the probable loss which the holder of

the Great Seal would experience by these reductions and alterations, and he had denied, that it would amount to more than 2,500*l.* a year, while he (Lord Brougham) estimated it at 7,000*l.* Unquestionably, he had not been in office long enough to know much of its receipts, and if the Civil List Bill did not pass, it was not likely that he should receive any salary at all. His noble friend, too, who was probably the Chancellor in reversion, while he was the Chancellor in possession, might form a somewhat different estimate of these things; but this he would say, that it never could be intended, nor would Parliament, he was sure, allow it to be, that the Lord Chancellor of England should receive a smaller salary than a Puisne Judge. In conclusion, the noble and learned Lord paid a high compliment to his noble and learned predecessor (Lord Lyndhurst) to whom he was indebted for the suggestion of many valuable alterations, and for the maturing of others, particularly the ground-work of the valuable improvements in the administration of the important branch of lunacy. His Lordship also, in conclusion, complimented the Lunacy Commissioners, to whose exertions the country was indebted for many valuable alterations in the management of Asylums.

Bill read a first time.

HOUSE OF COMMONS, *Friday, Feb. 25, 1831.*

MINUTES.] New Writs. For Milbourn Port, in the room of G. S. BYNG, esq., become Comptroller of the Household to the Lord Lieutenant of Ireland.

Returns ordered. On the Motion of Mr. GUEST, the persons holding Office in the Department of the Customs, whose Salaries and Emoluments exceed the sum of 1000*l.*; stating, with each name, the length of service, and the amount of security given, if any:—On the Motion of Mr. RUTHVEN, the several Acts, matters, and things, for which Fees or Emoluments have been received, during the three last years, by or for the Judge or Commissary of the Court of Prerogative and Faculties in Ireland, and also by or for the Registrar of the same Court; specifying the amount of each fee or other emolument, particularly, as paid or demanded:—On the Motion of Mr. S. RICE, the Second Report upon the subject of the Public Accounts, made by Messrs. Brooksbank and Beltz to the Treasury, dated 24th December, 1829; and Copies of the Instructions given by the Board of Treasury to the Public Departments of Government, respecting the mode of keeping their accounts, in consequence of the Reports of the Commissioners of Inquiry upon the subject:—On the Motion of Mr. GOULBURN, the unredeemed capital of the Public Funded Debt, as it stood at each of the periods, on 5th January, 1828, and on the 5th January, 1831; the amount of Exchequer Bills outstanding on 5th January, 1828, and 5th January, 1831; the amount of terminable Annuities, whether for lives or years, payable on 5th January, 1828, and 5th January, 1831; the Sums which will be required, in the year 1831, to defray the charge of the Interest and

Management of the Permanent Public Debt, as it existed on 5th January, 1851; the Sum paid, in the year 1828, on account of the charge of Interest and Management of the Permanent Public Debt; the Sum which will be required, in the year 1851, to defray the Interest of Exchequer Bills; the Sum paid, in the year 1828, to defray the Interest of Exchequer Bills; and the total amount of all Payments made out of the Consolidated Fund of Great Britain and Ireland, other than on account of the Interest and Management of the National Debt and his Majesty's Civil List, in each of the years 1827 and 1830.

Petitions presented, By Mr. W. PATTEN, from Royston, against the Duties on Raw Cotton. By Mr. BYNG, from Paddington, against the Assessed Taxes. By Mr. EVANS, from Leicester, in favour of the Corporate Funds Bill; and from Derby, for securing to the Hindoos the enjoyment of their Civil Rites. By Mr. LESTER, from Poole, against the proposed alteration of Duties on Timber, Wines, and Cottons. By Mr. TALBOT, from Glamorgan, for a Commutation of Tithes; and from Bridgend, in favour of the Ballot. By Mr. HERRIES, from Killeen, Galway, against the reduction of the Duty on Barilla.

SUPPLY—NAVY ESTIMATES.] On the Motion of Sir J. Graham, the House resolved itself into a Committee of Supply.

Sir J. Graham then rose to move the Vote for the Navy Estimates, and begged to claim the indulgence of the House on account of his inexperience in bringing forward such details as it would be his duty on the present occasion to submit, which would be more especially necessary because, although his hon. friend, the member for Middlesex, had recovered his voice, he regretted to say, that he had lost his. It would not be necessary for him to trouble the House at any great length, as he would at once proceed to the subjects to which it would be his duty and his desire to call the attention of the House. The hon. member for Edinburgh had, on a former evening, intimated that he (Sir J. Graham) had wantonly, and without any necessity, materially altered the form of the Navy Estimates; and he was sorry to observe, that a right hon. Baronet, who was a high authority on such subjects, had participated in that opinion. Now, he could assure those hon. Gentlemen and the House, that he had not willingly made any change, much less any change which appeared to him unnecessary. But, upon the best view which he had been able to take of the subject, it appeared to him that the change which he had made was not immaterial, and he flattered himself that he should be able to show the House that it was indispensably necessary. Last Session, the Treasurer of the Navy introduced a Bill, which afterwards passed into an Act, for regulating the payments in his office; and it provided that the payments

on account of the Victualling Board should be distinct from those on account of the Navy Board, and thus it became necessary that there should be separate charges in the Estimates. At first this appeared to him (Sir J. Graham) a matter of minor importance; but when he came to investigate the accounts and papers submitted to him in his own office, he was led to believe that it was a wise and salutary measure, as it prevented much inconvenience from the intermingling of accounts, and militated against the practice of throwing the surplus of one department into the deficiency of another. He disapproved most highly of this practice; but, in entering into some extremely reprehensible details of it, it was not necessary that he should inculcate his predecessors; for he did not say, that the practice of which he complained had not formerly prevailed. But although it was sanctioned by long usage, he considered that inasmuch as it was at once inconvenient, inexpedient, and unconstitutional, they should not hesitate to apply a remedy. To explain the nature and origin of this practice, he was compelled to go back to a period comparatively remote. One of the first Acts that succeeded the Revolution, by which our rights and liberties were so happily secured, was the Appropriation Act, which was introduced by no less a person than Lord Somers. By this Act the Commons obtained for themselves, not alone the right of fixing the whole quantum of Supplies, but likewise, a recognition of their right to appropriate it to particular branches of the public service. But Hatsell in his *Precedents* says, the Navy was an exception to the general rule; and it appeared, that down to 1795, when his book was published, the Naval Estimates differed from the other Supplies, and Hatsell assigns as a reason for this, that there is always great difficulty in forming the Naval Estimates, from the very nature of the service, which is exposed to more casualties than any other. There was the difficulty in obtaining information respecting ships on foreign stations; the quantum of repair needed by such vessels; and the many unforeseen circumstances against which there could be no provision, which were continually liable to arise, and thus create an expense that had not been anticipated. The sum for the service of the Navy had been voted under three heads; but the gross sum was always ap-

plied to the service generally. Within a few years afterwards, however (he believed in 1798), when Lord Spencer was First Lord of the Admiralty, Parliament extended the general principle of the Appropriation Act to the Naval service; and since then, the Appropriation Act had regularly distributed the gross sum under the several heads, according to the votes of the House; and thus was there no longer any difference between the Supply for the Navy, and that for the other branches of the public service. But although Parliament had declared, legislatively, that there should be no difference, yet practically this had been disregarded, and the gross sum was, as before, applied to the service generally. But he, after carefully viewing the subject, considered that the time was arrived to give full effect to the change which took place in 1798; and that the authority of Parliament should be enforced, in the regulation of the Supplies for the Naval Service, in the same manner as it was in the other services. Holding strongly this opinion, it was his duty to bring under the attention of that House a few facts, to show the great and growing departure from the rule laid down in 1798, which now prevailed. He had no great abuse to lay before them, nor anything to state which might be, perhaps, properly thrown forth as an inculcation of his immediate predecessors; yet the matter was well worthy of the attention of the House; and though it might not be necessary to cast a retrospective glance, of a nature very strict and searching, upon this matter, yet he had no doubt it would be deemed advisable to turn upon it a prospective glance of the strictest scrutiny. He had to inform the House, that works of great extent in the department of the naval service had been begun, completed, and paid for, without the knowledge or sanction of Parliament, or without the subject having once been brought under the notice of the House of Commons. These works were paid for out of the surplus upon other votes, which were greater than was needed for the purposes to which it was intended they should be applied. There was a work at Weovel, near Portsmouth, commenced and completed, and paid for, by the Victualling Board, without any vote from Parliament. Indeed, the subject was never mentioned in the House but once, and that incidentally, when, last year or the year before, his learned friend, the member for Ports-

mouth, seeing great works going on in his neighbourhood, asked a question respecting them, in his place, and he was informed, in reply, that the proceeds arising from the sale of some public buildings in Portsmouth would defray the expense. The House would probably feel surprised, when he told them the amount of that expense, and when they remembered that it was sanctioned by no vote of theirs: the expense was 155,534*l.* There was another work of the Victualling Board that was of greater extent and more expensive. He alluded to the works at Cremin. This case differed from the other, because it was brought under the Estimates of 1826. But the vote then for the works was only 4000*l.*, while, since 1825, 229,441*l.* had been expended. This he considered as excessive, the works having been originally contemplated when we were at war, and had 100 sail of the line at sea. Another work, begun, carried on, and finished, without the sanction or knowledge of the House of Commons, was one in the Isle of Ascension—in a foreign colony—and although it was of no great amount, yet, as involving the same vicious principle, he considered it worthy of attention. The expense was under 10,000*l.*, and it was, as in other cases, provided for by balances unaccounted for to Parliament. Hitherto he had spoken only of the Victualling Board. He would next proceed to show, that the very objectionable—indeed, unconstitutional—system of appropriation of sums voted by that House to uses other than those specified in the voted estimates, was not confined to the Victualling Board, but also had been acted upon by the Navy Board. The first example he would cite in point was the expense of certain works carried on at Woolwich. The estimate for these works was 184,465*l.*, the works being a wall and basin; and yet the sum actually expended was 325,908*l.*, being very nearly double the amount of the original estimate; and, what was more, and what the House was, he was sure, hardly prepared to hear, the difference was made good without a vote or the sanction of Parliament, by a mode to which he should presently have occasion to direct the attention of the Committee. All that he wanted then to impress upon the House was, that sums of the public money were expended, and works carried on, without the sanction or knowledge of that House—a practice, he need not say, highly objec-

tionable—indeed, unconstitutional. The question was not whether these works were useful, or that expenditure on the whole advantageous, but whether any such expenditure should be undertaken unless with the sanction of Parliament. The next work carried on in this way, without the sanction of a vote of that House, was one at *Leith*—on which the Navy Board expended 7,908*l.*, not one shilling of which was voted by Parliament. This occurred in 1829; and it might be in the recollection of hon. Members, that he had himself, at the instance of the inhabitants of *Leith*, urged the consideration of the works on the attention of Government. He had done so, but he never for a moment contemplated the expenditure of a single penny not specifically voted by that House for that distinct purpose. He stated this to anticipate any observations on his then apparently censuring an expenditure which he had himself approved of. The next item of public money, expended without the authority of Parliament, was that of a ship building at *Bombay*, to which 26,240*l.* was appropriated last year without a vote of that House—the sum being taken from the estimate for the dock-yards at that place. The vessel—a seventy-four—would require 50,000*l.* to complete her—so that he should have to call for a vote for the expense of the current year—not wishing to follow the course of his predecessors, who, last year, took no credit for the 26,242*l.* which they did not expend on the dock-yard, and had the item under one head referred to another. He had now to call the attention of the Committee to a still more important defect in the system of expenditure pursued in the naval department: he alluded to the practice of employing more men in that service than the votes of Parliament sanctioned. Since 1820, the Committee would be surprised, he believed, when he informed it, that 1,500 had been constantly, and in one year 3,100 men were—employed in the Naval department, more than the estimates sanctioned. In other words, and this would make the matter tangible to the Committee, since 1820, 1,243,100*l.* had been paid for wages, more than the vote of that House sanctioned. A question very naturally suggested itself—how did the Government manage to pay this extraordinary surplus of expenditure over estimate? Whence did the money come, for supporting 1,500 seamen a year more

than Parliament had provided for? The answer to this question opened his views of the proper mode of bringing forward the Navy expenditure, under the distinct and sifting investigation of Parliament. The answer then was this:—To make good this extraordinary additional expenditure of the wages of 1,500 seamen, his predecessors in office had reduced, practically, the estimates for timber, and the materials for building ships, and for keeping our arsenals in such a state as that war should not take us at a disadvantageous surprise; that is, the estimates voted for these specific purposes by that House were not entirely expended under these heads, and the difference between the sum actually expended, and that voted, was appropriated to other items (that for the wages of the 1,500 additional seamen, for example), the actual expenditure under which exceeded the sums specified in the voted estimate. The Committee would not readily believe the extent to which this transfer of the surplus under one head, to the deficit under another head, had been carried on for years in the office which he then filled. Take the article timber and ship-building materials, to which he had just alluded, as a striking instance in the way of the expenditure being much less than the vote, the additional 1,500 seamen being a striking instance, on the other hand, of the excess of expenditure over the estimate annually submitted to that House.

In four years the votes for timber	
and building amounted to . . .	£ 3,705,000
While the actual expenditure	
was but	2,675,000

Leaving a surplus of estimate	
over expenditure of	£ 1,030,000

Then in the article of army provisions, the voted estimate, as compared with the actual expenditure, stood thus:—

Estimate for four years	£ 2,700,000
Expenditure for four years	1,895,000

Leaving a surplus of estimate	
over expenditure of	£ 805,000

The annual surplus, therefore, was 200,000*l.*, which being appropriated to other items, the expenditure of which exceeded the voted estimate; the general outlay under the head “Naval Department,” was thus made to square one way or another as it came before Parliament.

Was this the mode, he would ask, in which the public money should be appropriated? or rather was that the mode of appropriation which Parliament should sanction? There were two facts connected with this system, which he thought well worthy of the notice of the Committee. The first was, the distinct declaration of the Chairman and the Deputy-chairman of the Victualling Board, in a report made to him, that it would be impossible for the Navy Estimates, in the large sense of the term, to be framed according to any other principle than that to which he had just directed the attention of the Committee; that the naval service was of that peculiar nature, so dependent upon contingencies, that it would be impossible to specify beforehand the actual outlay under each head, and that the thing must be done, in a manner, in the gross; the surplus of one item making good the deficit of another, and thus the whole expenditure squaring with the sum of the estimate. To this principle, so laid down, he could not subscribe. He saw no reason why the actual expenditure should not, as in other branches of the public service, be estimated so as to square with the actual sums voted, and why it should be left a rough guess, in which the surplus under one head should be employed to make good the deficit under another. He had consulted the law officers of the Crown on the subject, and they had declared the practice he had adverted to illegal, while he was persuaded it was injudicious. He, therefore, disapproved very much of the opinions of the Chairman and Deputy-chairman, and of the practices to which they had led, which, although not corrupt, might easily become so—the salaries of the public officers being part of the votes of the year, and a possibility existing of making a saving on one side account for a deficiency on the other. Thus, from what he had stated, it appeared, that large sums had been expended on Weovel and Cremin without the knowledge and sanction of Parliament, and that these expenses were provided for by the surplus arising on votes, which greatly exceeded the necessity under which it was presumed they were asked. He was now about to state something, in which, no doubt, his hon. friend, the member for Middlesex, would fully agree with him. They had often together fought the estimates when announced for the current year, but they had omitted

one thing, of the necessity of which their long sitting in Opposition ought to have convinced them, they had omitted to insist on the means of knowing what was the actual expenditure. In 1829 and 1830, the attention of the House had been called to the defects of the Victualling Board system, and both his hon. friend and himself had too much neglected the details of the estimates, in their anxiety to effect a tangible reduction of the general sum of the votes. Had they not been too much occupied in pointing out these savings, they would have effected much benefit in investigating how far the actual expenditure under each head squared with each estimate. The only remedy which he saw then was, to lay before the House annually a balance-sheet, in which would be specifically placed under each head, the actual expenditure of the Navy and Victualling Boards. Under the Act of Parliament to which he had early called the attention of the Committee, he felt himself bound to sever the expenditure of the two branches, now included under one head of Navy Estimates, into the expenditure under the Navy Board and under the Victualling Board, and his right hon. friend, the Treasurer of the Navy, had determined upon a still further division in his department. This severing of the items under the two great heads of the Victualling and Navy Departments, would be one great step towards the simplification which his proposed balance-sheet contemplated. He also meant to classify, under distinct headings, the expenditure of the several sub-branches of each department, such as the Navy, the Marines, Transports, and the provisions and means of conveyance of convicts. In proceeding to the estimates for the present year, he should feel himself obliged to submit a large vote for timber, and other materials for ships, docks, &c., in consequence, in a great degree, he must say, of the misappropriation in the four years to which he had more than once referred, of the sums voted for this, just now, very important branch of our service. He should have felt, he need not premise, great satisfaction if, consistently with a sense of duty, he could have proposed a reduction. But, he could not, consistently with his duty—feeling that these were not the times when short-sighted economy should be studied in our arsenals, and applied to our means of providing for the mainten-

ance of the honour and safety of the country. He should, therefore, have to ask the Committee for a larger grant, viz. 819,000*l.*, under the head of Timber and Materials for the Ships, Docks, &c. than the vote of last year; and he should, besides, have to submit a specific estimate of 60,000*l.* for steam-engine machinery, for steam-boats of war. With regard to the number of men, although there was an apparent increase to the extent of 3,000, the House would be deceived if they imagined that any augmentation of force to that extent could, in reality, take place under the vote he proposed; for on the 1st of January, although the vote last year was for 20,000 seamen and 9,000 marines, he yet found, upon his accession to his present office, that there were 21,900 seamen, and 9,500 marines—500 of these being supernumeraries. The number was now less, and he asked for the larger number of 22,000 seamen, and 10,000 marines, for the express purpose of not keeping a greater number of men than Parliament by its express vote had authorised. He would keep a large margin in his accounts. It was not the intention of the Government to keep 32,000 men afloat, but he asked for the means of keeping up the force which he found in existence, on acceding to office, without violating that principle which the Government ought always to observe, but which had of late years been set aside. The total estimate of last year was 5,594,955*l.*; that for this year would be, 5,875,386*l.*, being 280,431*l.* more than last year. To explain this, it was necessary to premise, that whereas last year the estimate for men was but 29,000, while he then plainly asked for the full complement of 32,000, thereby adding to the estimate 101,000*l.* Then in the estimate for dock-yards and building materials, there would be an increase of 130,000*l.*; in the charge for workmen in the dock-yards, there would be an increase of 24,000*l.*, and in timber an increase of 70,000*l.* over the estimate of last year. He had already pointed out the misappropriation of a portion of the sums voted for some of these estimates; he had shown that while some were more than the expenditure, others were considerably less; and it was his object to classify each *bona fide* expenditure under its respective head, so that Parliament might see with its own eyes the actual appropriation of the public money which it voted for the

public service. Now, to enable him to do this, it was but fair to state it was necessary for him to have a balance-sheet with a pretty large margin, so as to enable him to assort to each item its particular place, and to make allowance for those contingent differences between the actual expenditure and the estimate, which at the outset at least, and under the particular circumstances of the country, it was hardly possible for him to wholly avoid. In all cases, however, he should come forward and ask for the actual amount which he conceived the estimate required. In this spirit, as he had before-mentioned, he asked for 25,000*l.* for the line-of-battle ship now building at Bombay; for which 26,000*l.* was last year appropriated without a vote of credit. He had stated, that the whole estimate of this year for naval services would exceed that of last year by 280,431*l.*; but by the savings which he proposed to effect in his department, that sum would be reduced considerably. But, before he proceeded to describe these savings, he begged leave to remind the Committee, that a certain discretionary confidence must be left in him, as to a full statement of the grounds on which he felt it to be his duty to make the increase he had just specified to the year's estimate. The circumstances of the country at this moment would, he was convinced, suggest to the Committee a reason for a qualified reserve as to certain points connected with this increase. He was free to avow, that he could not, consistently with his sense of duty, recommend any reduction of the naval force of the country, such as, under other circumstances, external and internal, he should have felt himself bound to effect; but to this general expression of the fact he must, for the reasons to which he had alluded, then confine himself. In the civil department, however, he had effected reductions to a considerable extent. Of the ten Commissioners of the Victualling and Navy Boards, he proposed to abolish two commissionerships of the Navy Board, at a salary of from 1,000*l.* to 1,500*l.* a year; two of the Victualling Board, salary 1,000*l.* a year; a Draughtsman of the Navy, at 350*l.*; and two Clerks, at from 300*l.* to 500*l.* a year. Then, as the Committee was aware, under the present arrangement, the salary of the Treasurer of the Navy was saved to the public, and arrangements were in progress for abolishing the office of the Pay-

master of Marines, and for transferring his duties to the Victualling and Navy Boards. In the different dock-yards also he had been able to effect considerable reductions. He reduced the number of Civil Officers in those yards by fifty-six; and this reduction, and after making due allowance in superannuations, would effect a clear saving to the public of 16,674*l*.

The present charge was.....£ 22,305

The Superannuation Allowance
would be 5,631

Leaving a clear saving to the

Public of.....£ 16,674

He also meant to effect a reduction of eighteen other offices, the salaries of which amounted to 3,050*l*., but for which there should be no superannuation allowance. In all, he had effected a reduction in the civil department of his office to the extent of 27,238*l*. As he had touched upon the subject of superannuations, he hoped he might be permitted to state, that after all he had on former occasions said, with respect to the improvidence with which they had been hitherto, in too many instances effected, it would not be then necessary for him to repeat at any length, the principles which guided him in effecting them in the instances to which he had just directed the attention of the Committee. He felt it would be impossible, consistently with a sense of right, to refuse a superannuation allowance to an officer who had entered his office on an understanding that, under circumstances, he should be entitled to it. He trusted, however, that it would be found that he was not too indiscriminate in his admission of these claims. His rule was, to allow just claims and length of service when the office was necessary; and in cases in which the offices were superfluous, his rule was, to abolish the office, but to allow a fair superannuation allowance. The latter would be but a temporary pressure, while the former would, after a comparatively short and yearly decreasing period be a general saving to the public. He had also carried into effect another alteration, which had been contemplated by his predecessor. There was a large number of public servants, who received salaries instead of wages. He had put 114 of these persons upon wages, and the benefit of the superannuation would revert to them on their retirement. The right hon. Baronet concluded with mov-

ing, that 1,081,600*l*. be allowed his Majesty for the wages of 32,000 men, including 10,000 marines, for the service of the current year, at 2*l*. 12*s*. per man per month.

Sir G. Clerk did not rise to offer any direct opposition to the right hon. Baronet's motion, but to correct certain errors into which he had fallen in his statement. He thought himself called upon to defend the late Ministry, and believed that he should have no very difficult task in doing so, since the right hon. Baronet himself had quoted the authority of Mr. Hatsell on the subject. The right hon. Baronet would soon find, that his vaunted constitutional plan of classifying the several items of the naval expenditure under heads in which the actual expenditure should accurately correspond with the estimates, as in other branches of the public service, would, owing to the peculiar nature of our naval force, and the numerous contingencies and intricacies involved in it, which it was impossible to foresee or provide against, be wholly impracticable. To the authority of Mr. Hatsell, no one was more willing than himself to bow with due submission; and in the present instance, he found that authority was in his favour; for that learned gentleman expressly stated, that in the estimates and expenditure of the Navy, on account of the difficult circumstances attending it, the House did not require so much strictness as in those of the Army. If he was not mistaken, the late Mr. Fox, when holding a situation at the Navy Board, had made the same statement. But the attempt which the right hon. Baronet was now about to make, had been made in America, and abandoned as impracticable. The American Congress was, even more jealous with respect to the administration of the public money than was the House of Commons, and yet they had abandoned the schemes which the right hon. Baronet was now about to try. It appeared from the Report of the Secretary to the American Navy, made to Congress last year, that such was the fact. By the way he should wish to know from the right hon. Baronet, how he found out that the law of 1798 regulated the Navy Estimates. That Act certainly enacted regulations with respect to the Bank of England, and their transactions with the Government; but it had nothing to do with the Navy. Up to that year from

the period of the Revolution, the expense of the Navy department was defrayed by a charge of 4*l.* per man, this charge, including the wages of seamen, the cost of ships, and other items of expenditure: but that mode having led to an accumulation of naval debt, Mr. Pitt, in 1798, proposed the plan which, under certain modifications, was in force till 1821. A change was certainly made then, but not such a one as the right hon. Baronet seemed to imagine, for in that very year the estimates were voted as usual, excepting that what was under one head, or gross sum, was divided into twenty or thirty separate items. The fact was, this was the only modification of which the mode was susceptible; and when the right hon. Baronet spoke of his great remedial balance-sheet, with its "wide margin," let him tell him, that the admission of the wide margin arrangement was a tacit acknowledgement that his plan could not be carried into effect, in the sense which they were bound to believe he propounded it. He repeated, that the right hon. Baronet would find the change he now meditated quite impracticable; the Americans had done so, and the American auditor of accounts had said, that they must take enough to cover all contingencies. The right hon. Baronet had called the system to which he had alluded a growing abuse. He denied that it was so. There was no corrupt purpose served by it. The persons who made out the Estimates always gave them according to their best means of information. He was, however, anxious to see the balance-sheet promised by the right hon. Baronet. The books that existed in the Navy offices had not for their object to shew the precise expenditure of the money voted. Those books had been constructed with the sole object of checking the receipts and disbursements of the Treasurer of the Navy. A change, however, had lately taken place in the books. That change was made by Mr. Thomson, the Accountant-general of the Navy who had proposed new books of accounts, of which he had no doubt the balance-sheet now produced by the right hon. Baronet, was the result. That mode of keeping the accounts was tried for the first time in 1826, as an experiment. There was a great doubt whether that experiment would succeed, but after various trials, improvements had been gradually introduced, till now, he believed, the sys-

tem had nearly arrived at perfection. Some time ago there was a Committee of Inquiry into the mode of keeping the public accounts, and the system now adopted by the right hon. Baronet was then recommended, and it could not be expected that when such a Committee was in existence, the Victualling Board would anticipate their decision. These were the general principles on which he defended the conduct of the right hon. Baronet's predecessors in his present office. He would now give some explanations on a few of the items. The first of these related to the works at Weovel, near Portsmouth. The victualling establishment was carried on partly at Gosport, and partly at Portsmouth, and in consequence of that circumstance much inconvenience was often found to arise. The Lord High Admiral (for to him this change was owing) observing the inconvenience, proposed to remedy it by uniting the victualling establishments at the place which he had mentioned. Considerable expense was of course incurred in the removal of the two establishments to one point, but the Estimate now laid on the Table by the right hon. Baronet, certainly exceeded what it had been when he (Sir G. Clerk) was in office. In 1827 (under Mr. Canning's Administration he believed), a Treasury Order was made, directing that no more should be taken, on that account, than had been taken in late years. Directions were also given, that the new buildings should be used as well as they could, and all the old buildings were to be sold. In consequence of the arrangements then made, the Admiralty was enabled to make reductions to the amount of 4,000*l.* or 5,000*l.* annually. The next case to which the right hon. Baronet referred, was that of Leith harbour. Upon that subject he should say that he wished the Treasury would suspend the works there going on, until a new survey had been taken. That work was, however, begun under the authority of an Act of Parliament. He had objected to it on a former occasion, and he had then been left alone in his opposition. But, said the right hon. Baronet, a sum of 7,000*l.* had been expended upon the works, without the Government coming to Parliament for authority to expend the money. If the hon. Baronet would look into the Act of Parliament, he would find that the persons possessed of certain wharfs at that place, gave them

up to the naval department. The Admiralty, therefore, no longer required the Dock-yard at Leith. It had therefore determined to sell the premises, though they were not sold yet, in consequence of the depreciation of property, which, owing to various circumstances, into which it was unnecessary to enter, had recently taken place at Leith. If the Admiralty had pushed the sale of those premises, instead of receiving 20,000*l.* for them, which they were worth, they would not have received for them at present half that money. This sum of 7,000*l.*, therefore, ought to be considered as an advance of money made by the Government until the sale of the premises. There was another point in the speech of the right hon. Baronet to which he wished to call the attention of the Committee. The right hon. Baronet had said, that there had been expended on the works at Woolwich 320,000*l.*, although 184,000*l.* only had been voted for them. Now the excess of the expenditure above the grant of Parliament was by no means so large as the right hon. Baronet represented, and arose from causes which afforded a sufficient justification for it. The work at Woolwich, on which this expenditure had mainly taken place, was not a new work. It was a wharf wall, of which it had been found necessary to alter the direction, because it created an accumulation of mud, and thus impeded the navigation of the Thames. In the course of the work, the dilapidated state of the wall of Woolwich-yard became apparent. In the papers lodged in the Admiralty, the right hon. Baronet would find remonstrance after remonstrance issued by the Admiralty, insisting that no money save what was absolutely necessary should be laid out on that work. It was only last summer that part of the wall at Woolwich had given way; and it was deemed necessary to proceed with the greatest rapidity in getting it built up above high-water mark, inasmuch as it cost 50*l.* a week in pumping the water out whilst the work was erecting below the level of the river. Now, if the Admiralty could provide for that expense out of the aggregate amount of the Estimates voted for the naval service of the year, he thought that they were justified in so doing. The observations which the right hon. Baronet had made on the charge of 26,000*l.* for building a ship of the line at Bombay, admitted of an easy answer. In the year 1829,

a sum of 40,000*l.* was charged in the Estimates for the building of this line-of-battle ship. In that year, only 16,000*l.* of the grant was expended, so that there was 24,000*l.* left in hand for the completion of the building of that ship; if, therefore, he argued the point on the ground of the strict application of the sums voted in the Estimates to the purposes stated in the Estimates, he thought that he should be able to make out a case to satisfy the right hon. Baronet himself. If the right hon. Baronet would take the trouble of looking for it at the Admiralty, he would find the balance-sheet for the year 1829 drawn up in accordance with the fact which he had just stated. He must also defend the conduct of the Victualling Board against the sneers of the right hon. Baronet, for that Board would not have been justified in asking for less than 210,000*l.* last year. A large portion of that sum was required for the expense of garrisons abroad, and the difference in price there, accounted in a great measure for the surplus. A portion of the fleet, too, had been employed in the Mediterranean, where beef might be purchased for 2*d.* per pound, so that the Estimates for victualling might be less without any imputation being deserved by the Admiralty of last year. As to the total number of men to be employed in the Navy, it was the confident expectation of the late Government, on the return of the fleet from the Mediterranean, to be able to reduce that number from 32,000 men to only 27,000 men. They had not, indeed, made that reduction, because the time had not quite arrived when the late Ministers could carry their intentions into effect. It ought not to be forgotten, that the sum voted for the Navy last year was 5,500,000*l.*, of which less than 5,300,000*l.* had been spent, so that there remained a balance of 280,000*l.* in favour of the country; that sum had not been disposed of, but remained in the Exchequer, applicable to any purpose to which the present servants of the Crown might think fit to devote it. The right honourable Baronet contemplated the drawing out of this sum, and contemplated, besides, the spending of 280,000*l.* above the amount of the estimates of last year. If the right hon. Gentleman doubted the correctness of this statement, he would refer him to the Admiralty balance-sheet for last year. There was, therefore, now in the Exchequer, a

surplus of 280,000*l.* destined for naval purposes, and as the right hon. Baronet now asked for 280,000*l.* more than was voted last year, the Estimates for the Navy this year exceeded the Estimates for the Navy last year by no less a sum than 560,000*l.* The mode in which the Navy Estimates were formerly drawn up, was clear and perspicuous; but the mode in which they were drawn up at present, was so fantastic, that it was impossible to make a correct, nay, he would even add, on the authority of the right hon. Baronet himself, an intelligible abstract of them. He denied that there was any thing in the Act passed last year which could justify the construction which the right hon. Baronet had put upon it, that it was incumbent upon the Admiralty to separate the expenditure of the Victualling Board from that of the Admiralty. As the Estimates were drawn up this year, it was impossible to tell what the expense of maintaining the 32,000 men, which the Committee was now called upon to vote, would amount to. Indeed, the Estimates were drawn up in a manner so confused, that even the right hon. Baronet had mistaken the aggregate amount of them. There should have been some palpable and paramount advantage to have justified such a deviation as the present from the ordinary mode of drawing up the Estimates. The right hon. Baronet had stated, that he had saved some superannuations to the country, by paying several of the individuals employed in the dockyards, not by annual salaries, but by daily wages. He supposed that the right hon. Baronet was correct in the law which he had laid down on that point; but he begged to know where the right hon. Baronet found in the Statute anything that warranted him in saying that a superannuation allowance did not belong to a salary of 149*l.* 19*s.* 11½*d.* paid weekly, though it did belong to a salary of 150*l.* paid quarterly? According to this mode of reasoning, the First Lord of the Admiralty would not be entitled to a superannuation allowance, if the hon. member for Middlesex were to move and carry his motion, that instead of being paid 5,000*l.* a year he should receive 13*l.* 13*s.* 11½*d.* per day. In that case, the right hon. Baronet would, on his own principle, have no right, on his retirement, to the pension secured by Parliament to the holders of high and efficient offices. The right

hon. Baronet had told the Committee, that he had saved fifty-six offices in the dockyards. He had looked through the Estimates, and could not find those reductions out; perhaps the right hon. Baronet would be good enough to point them out to him. Though some reductions might have been made in the salaries of clerks with 150*l.* a year, he found that the salary of the First Lord of the Admiralty still remained at its old amount of 5,000*l.* a year. This appeared to him singular indeed. He recollected, that in a speech which the right hon. Baronet had made from the Opposition side of the House last year, he had said, that if there was one salary more than another which required reduction, it was the salary of the First Lord of the Admiralty. "What reason is there," asked the right hon. Gentleman, "that the father of my noble friend, the member for Northamptonshire, should have received a salary of only 3,000*l.* a year, as First Lord of the Admiralty, and that my Lord Melville should now receive 5,000*l.* a year as holder of the same office in a time of profound peace?" He did expect, remembering this observation, that the right hon. Baronet would have felt it due to himself to have begun any reductions which he might deem it expedient to make in his own department, by the reduction of his own salary. He did expect that the declarations which the right hon. Baronet had made on that side of the House would have turned out something better than vague effusions of eloquence, or fine specimens of noisy declamation. As a public man, however, and acting on public grounds, he (Sir G. Clerk) was glad that the right hon. Baronet had not made any reduction in the salary of that high office, and he hoped that the right hon. Baronet would live long to enjoy both the salary and the office. He might, perhaps, be told by the right hon. Baronet, that he had referred the consideration of the amount of his salary to the Committee which was then sitting upstairs upon salaries in general. But if such were the principles on which the members of the present Government were acting, why had they not acted up to the principle which they professed? For instance, in the case of the Chancellor of Ireland, why had they not referred his salary to the same Committee, instead of settling it upon their own authority? He likewise found that they had reduced the

salary of the Secretary of the Admiralty twenty-five per cent: but they had done more, they had reduced the dignity of the office. The Secretary to the Admiralty was not at present in Parliament, although that officer generally had held a seat there. He did not know that the Secretary to that Board might not be in Parliament next week, but there he was not at present. Then, again, as to the office of President of the Board of Trade: one of the reductions for which the present Ministers had taken credit was, that though the President of the Board of Trade was entitled to two salaries, as holding the offices of President of the Board of Trade and of Master of the Mint, he only received one salary. That regulation, he begged leave to say, was of long standing. The reduction which had been made, of two Commissioners of the Navy, who had been superannuated, he did not disapprove of. The declaration of the First Lord of the Admiralty was, that whenever they found an office to be useless, they abolished it forthwith, and granted the holder a superannuation. On this principle they had acted in some cases, where the reduction was uncalled for, and the office, in his opinion, absolutely necessary for the effective management of the public service, as in the instance of Mr. Tucker, the Surveyor of the Navy, who now received a superannuation of 666*l.* a year, and whose services would have been cheaply purchased at his former salary of 1000*l.* The conduct of the present Administration, in reversing the economical arrangements which the late Government had made with respect to the Commissioners at Bermuda and at Jamaica, was, in his opinion, highly objectionable. It happened that in the course of last year the Commissioner at Bermuda was obliged to resign his situation, and to return home, on account of ill health. Instead of filling up his situation, the late Government had ordered the Commissioner at Jamaica to repair to Bermuda, and perform the duties of both offices. No sooner had the present Administration attained power, than they ordered the Commissioner at Jamaica to return to his old post, and appointed a new Commissioner to act at Bermuda; and this, too, was done by a Government which professed a wish to get rid of patronage. He would not enter, upon this occasion, into the question which had been so often discussed, as to whether the Treas-

urership of the Navy was a sinecure or not. He thought it was not a sinecure, and would give a singular proof of it. It had been held by a right hon. Gentleman, now a member of his Majesty's Government, who thought it so much of a sinecure, that though he was a countryman of his own, which made it the more singular, he had not taken the trouble to see whether the balance of public money charged against him was correct or not. At the time when the right hon. Gentleman left office, a fraud was going on, and it so happened, that when Mr. Vesey Fitzgerald succeeded to the office, a defalcation in one department of the office, of no less a sum than 20,000*l.*, was discovered. Adverting to the reduction of two Commissioners, one a medical and the other a naval Commissioner, which had been made in the Victualling Board, he condemned it in very strong terms, and asked what the Government would do when they wanted to send a Commissioner to the out-ports? But though the present Administration had reduced these two officers, they had created a new office for themselves. They had created an Accountant-general to the Board, and the right hon. Baronet opposite had placed his own private Secretary, who had been Assistant-secretary to the Cash Committee, in that office, over the heads of all the old servants of the public. Now, for an Administration which professed to discard patronage, this was indeed most extraordinary behaviour. He did not mean to find fault with the individual who had been appointed to that office—he believed that he was fully competent to discharge all the duties of it—but he was quite certain, that if the right hon. Baronet had retained his seat on the Opposition Benches, and the late Administration had made such an office, and such an appointment, the right hon. Gentleman would have called it a scandalous job. With respect to the reduction of the fifty-six officers in the dock-yards, he had before told the Committee that he could not find out who these fifty-six officers were; but he saw that among some parties who had been dismissed from those yards were some of the most scientific officers who belonged to them; and this, too, at a time when the right hon. Gentleman had put on his estimates a charge of 60,000*l.* for the erection of machinery. He begged the right hon. Baronet to go down to the dock-

yards himself, and to satisfy himself by personal inspection of the importance of some of the offices which he had reduced. If he did that, he was certain that the right hon. Baronet would soon find out the necessity of replacing some of the officers whom he had removed. As to the amount of the right hon. Baronet's Estimates, the right hon. Baronet had told them, that it was impossible to make an abstract of his Estimates so as to compare it with the abstract of last year's Estimates; but he had accomplished that impossibility; he had made out an abstract of the Estimates of the present year, and should be happy to communicate it to the right hon. Baronet, if he would only do him the honour to cast his eyes upon it. The Government had asked last year for a sum of 5,500,060*l.* for the service of the Navy. In the Estimates of the late Government, the abstract was at the beginning, but in the right hon. Baronet's abstract it was put in the middle, at page 25 of the Estimates. The total amount of the present Estimate for the Naval head of the service, was 4,657,000*l.* while last year it was 4,396,000*l.* The increase on the present Estimate, therefore, was 261,000*l.* Now, with regard to the victualling Estimate, there was no abstract at all of that, and it was therefore impossible to tell, by the right hon. Baronet's Estimate, the gross amount of the victualling expenses. He, however, had made an abstract himself, and by this it appeared, that the total amount of the present Estimate for the victualling department was 1,217,000*l.* Last year it was 1,198,000*l.*: so that the present Estimate exceeded that of last year by 19,000*l.* The grand total of the Navy Estimates for the last year was 5,594,955*l.*, and the grand total of the Navy Estimates for this year was 5,875,386*l.* Thus, as he had already stated, there was an excess of 280,000*l.* beyond the sum of 286,000*l.* which the last Ministers had saved, which was deposited in the Exchequer, and which the present Ministers meant to apply to their own purposes. Thus, supposing they did not exceed their Estimates by the end of the year, they would have spent 566,000*l.* more than their predecessors in office. Having made this statement to the House, he begged it to be understood, that he did not object to the amount of the right hon. Baronet's Estimate, but to the manner in which the Estimate was drawn, and also

to the manner in which it had been introduced by the right hon. Baronet.

Sir J. *Graham* could not help admiring the playfulness and good humour with which the right hon. Baronet had treated this subject, and assured the House, that he would answer the right hon. Baronet in the same tone. First, let him notice the observations of the right hon. Baronet which were directed toward him personally. The right hon. Baronet had thought it necessary to allude to what he (Sir J. *Graham*) had said, while on the other side of the House, with regard to the salary of the first Lord of the Admiralty, and had asked him, whether he still retained the opinion which he then expressed. In reply to this question, he had to assure the right hon. Baronet and the House, that his opinion on the subject had undergone no alteration; and further, that it was not owing to any omission on his part that his salary had not been reduced. He had already stated, as he was sure the House would recollect, that the salaries of all the ministerial officers in Parliament were under the consideration of a Committee. Under these circumstances, and considering that he was not the most proper person to fix the amount of his own salary, the amount of that salary remained unchanged; but he begged to assure the House, that he should consider any salary which might be awarded to him as larger than any humble services of his could deserve. The hon. Baronet had himself assigned the reason why the salary of the office of Secretary to the Admiralty had been reduced. The individual holding it was not a Member of the House, and consequently, Ministers had thought themselves justified in dealing with it without the intervention of a preliminary inquiry by a Committee. The Secretary himself, he was happy to add, was perfectly satisfied with the reduction that had been made. The hon. Baronet had alluded to what he (Sir J. *Graham*) had said respecting the noble Viscount who had preceded him as First Lord of the Admiralty. It was true that he had argued that, considering the difference in the value of money, the salary of that noble Viscount, when compared with the salary of his predecessors, was too large: but he was sure the right hon. Baronet would do him the justice to recollect, that the main point upon which he had objected to the salary received by Lord Melville was, that, along with that salary, the noble Lord held a valuable

sinecure patent place in Scotland. The great principle for which he had contended on the other side of the House,—a principle from which he had not departed on this side of the House,—was, that when an individual held a sinecure office, and an office to which duties and a salary were attached, the emoluments of such an individual ought to abate, like half-pay; and that officers who were in full pay ought not to hold civil situations with salaries. He had said, that, while they deprived a poor officer of 170*l.* a year, they ought not to allow an officer, who had 6,000*l.* a year as Secretary of State, to draw his full pay. He repeated now the opinion which he had given on the occasion alluded to by the right hon. Baronet,—namely, that it was not decent for Lord Melville to enjoy the salary of First Lord of the Admiralty in conjunction with the emoluments of a sinecure office in Scotland. This was the chief point on which he had relied, although he had not waved the other point, which, whether he was right or wrong with regard to it, was certainly a debateable point at least. For the rest, then, the salary of the First Lord of the Admiralty was, with other salaries, under the consideration of a Committee, and he would make no further observation upon it, except that whatever reduction that Committee might propose, he should most cheerfully accede to the proposition. His conduct in this matter was before the House and the country, and by the House and the country he was willing to be judged, whether there had been any thing mercenary or inconsistent in that conduct. The next objection of the right hon. Baronet was levelled against the arrangement which the Government had made with regard to the Treasurer of the Navy. His right hon. friend who filled that office was present, and would be ready to give an account of this matter. Allow him, however, to observe, that the only question for the House to decide upon was, whether the duties of that office were or were not efficiently discharged? If they were, the Government had saved the country, by this arrangement, 2,000*l.* a year. As he and his right hon. colleagues had contended, on the other side of the House, that the office might be arranged, so they had arranged it when they came into office. He repeated, that the only question was, whether by that arrangement the duties of the office were efficiently performed. He had some knowledge upon this matter, and

could state, that he believed the measures of his hon. friend, and the manner in which he had attended to the business of this department, would be found productive of very beneficial results. He had not charged the late Government with opposition to economical arrangements; but he had said, and he would repeat it, that in all cases in which seats in Parliament were attached to offices, there had never been an Administration more tenacious of retaining such offices than the late Administration was. The present Government, therefore, had acted, with regard to this office, in perfect consistency with the opinions which they had expressed while out of office. The right hon. Baronet had next blamed him for doing away with one of the Surveyors of the Navy. The right hon. Baronet had asserted, that the Surveyor of the Navy had much more labour to perform than he could possibly get through. Now he had the best authority for saying, that the right hon. Baronet was mistaken in this. That authority was the authority of the gentleman who filled the office, and who was probably as good a judge of the nature of the labours which he had to discharge as the right hon. Baronet could possibly be. Besides, if he were not very much mistaken, there was a special Admiralty order, that the individual whom he had superannuated should not visit the outports, and that, consequently, all the efficient duties of the two were performed by the present Surveyor. He now came to what the right hon. Baronet had said with regard to the Commissioners of Jamaica and Bermuda. The right hon. Baronet had said, that the Commissioner of Bermuda resigned in the course of the last summer, and that the late Government had appointed one gentleman to act as Commissioner for Bermuda and Jamaica. Now it did so happen, that when he accepted office, only a few months ago, there was both a Commissioner of Bermuda and a Commissioner of Jamaica. The Commissioner for Bermuda was at home sick, and subsequently resigned, but he had not resigned when he (Sir J. Graham) came into office. Then came the question of the manner in which he had filled up the office. Here again the right hon. Baronet had fallen into a very important mis-statement, and said, that he (Sir J. Graham) had superannuated the Commissioner for Jamaica. Upon this mis-statement the right hon. Baronet had founded a charge against him of being

desirous of patronage and influence, and of not hesitating to gratify his desire at the public expense. Now what was the fact? The fact was, that the Commissioner of Jamaica, who was a relative of a gallant officer opposite, had only been appointed two years, and was not entitled to any superannuation. He need hardly say, therefore, that that gentleman had not been superannuated. In making the appointment which he had made, he had proceeded as he in his conscience believed he ought to have proceeded. A gallant officer, whose wounds, and services, and years, entitled him to the notice of Government,—he was sure that he need only mention the name of the gallant officer to whom he alluded, and the House would readily concur in this observation, he meant Captain Usher—had been offered by him a frigate soon after he came into office. Captain Usher, however, told him that he was unfit to go to sea; that he was oppressed by his wounds, and that his sufferings and constitution required another climate. Upon this representation, he had thought that he was performing only an act of fairness and of justice to a gallant man, in appointing Captain Usher, there being no charge for superannuation, to the post which Commissioner Inglis had resigned. So much, therefore, for his love of patronage, his desire of influence; and his not hesitating to burthen the country with an unnecessary charge. From this subject the right hon. Baronet had proceeded to animadvert upon the alterations which had been made in the victualling department. Now, the theory for which he had contended on the other side of the House,—a theory which he had found abundantly confirmed even by the little experience he had had,—was, that the best security which the public had for the good conduct of its servants was undivided responsibility. Upon coming into office, he had found two medical Commissioners, and, considering that number just the most improper one, and finding that one of them was ready to resign, it had been thought proper not to fill up the vacancy which this resignation made. The right hon. Baronet had asked, “what will you do with one medical Commissioner, when you want to send to the outports?” He would tell the right hon. Baronet. There were two surgeons and one physician attached to Greenwich Hospital, and their

services would be available on any such occasion as that to which the right hon. Baronet had alluded. Now he should be perfectly willing that the character of his administration of naval affairs should be judged of by the propriety or the impropriety of that single circumstance with regard to the Victualling Board which the right hon. Baronet had so unjustly stigmatised. It did so happen, that, by the constitution of the Board, the deputy-chairman was chairman of accounts; and, without meaning the slightest disrespect to naval gentlemen, he must say, that if the gallant members of that profession were less fit for any one service than for another, that service was, presiding over public accounts. The Chairman was old, was entitled to superannuation and to his pay, and it was thought that it would be desirable that he should retire. The gentleman to whose appointment the right hon. Baronet had alluded had been Secretary to the cash department of the Board. When he came into office, he applied to two near relatives of his, who were attached to public departments,—they were his uncles,—and telling them that he, without experience, had been called to an office of great importance, connected with which were very intricate accounts,—accounts which, from the reports of that House, he had reason to believe had been by no means well managed,—telling them this, he had entreated them to name to him some gentleman upon whom he could rely,—some gentleman of tried skill, and experience, and integrity, promising them that he would appoint such gentleman his Private Secretary. His two relatives concurred in naming the gentleman to whom the right hon. Baronet had referred; that gentleman, moreover, had been favourably mentioned in the report of the Commissioners for keeping the public accounts, and also in reports of Committees of that House. In making this appointment, however, he had been misled. He had thought that the private Secretary of the first Lord of the Admiralty would be able, without inconvenience, to fill another place besides. And why had he thought so? How had he been led into this mistake? It was because the private Secretary of his predecessor had been a Commissioner of the Victualling Board, and had held some other place besides. However, he had soon found, that to retain other places was altogether incom-

patible with the office of private Secretary to the first Lord of the Admiralty; and the moment in which he made this discovery, he had dismissed the gentleman, and placed him in a situation for which he knew that gentleman was competent; although, by taking this course, he entailed on himself much additional labour—and that, too, labour which he feared that, from his inexperience, he might not discharge as efficiently as it ought to be. He appealed, therefore, to the House, whether he was not justified in this. He appealed to the House whether this was such a transaction as, if it had occurred while he was on the other side of the House, he should have stigmatized as a scandalous job? Let him tell the right hon. Baronet, that the transactions which he had felt it his duty to bring under the notice of the House, while he sat on the benches opposite, were of a very different character to this. With respect to the contract with the inhabitants of Leith, he had pressed for the completion of that contract. He had taken this course, because he thought the contract was a special contract, and that, having been once entered into, it would have been unjust not to complete it. True it was, that he had considered it, and that he did now consider it, to be one of the most improvident bargains that had ever been entered into; but it was now too late to consider that: it had been entered into, and ought, in his opinion, to be completed. The objections which he had made to other works were not on the score of their not being useful; and in demonstrating the utility of them therefore, the right hon. Baronet had not answered the case which he had laid before the Committee. He had objected to such works having been undertaken and carried on without the sanction and without the knowledge of that House, a proceeding which no Government could justify before the House of Commons. The very existence of some of the works had not been communicated to the House of Commons. Now, with regard to the works at Weovel, he had moved for an account of the sums of money which had been voted by Parliament for defraying the expenses of the works at Weovel, and also of the sums which had been expended on those works, which was as follows:

1829	.	.	<i>nil</i>	.	.	53,000
1830	.	.	<i>nil</i>	.	.	85,000

It appeared, therefore, that large sums had been expended on those works in the last three years, though Parliament had voted no sums for that purpose. The expenditure might be proper, but what he contended for was, that it was unconstitutional unless the sanction of Parliament had been obtained. With regard to the estimate which he had laid upon the Table, he had admitted the other night that it was almost impossible to compare this estimate, in the details, with the estimates of former years; but he had branched all the expenses, and he had made out a balance-sheet. If the House would insist upon the estimates being drawn in this manner for the future, the comparison would always be ready and easy, and not encumbered with the difficulties which attached to the comparison of former estimates,—difficulties which arose entirely from the manner in which the estimates had been drawn hitherto. Allow him also to observe, that this estimate had not, like some estimates, been framed in a private room, and carefully kept from the inspection of his colleagues, but it had been submitted to the whole Board; it had received their concurrence and the changes which had taken place had been made by their advice and with their approbation. And here let him observe, with regard to some of the minor changes to which the right hon. Baronet had objected, that the Board of Admiralty, which was now composed of naval officers, was at least as competent to judge of how many persons it was necessary to employ in dock-yards, and in other ways, as the right hon. Baronet could possibly be. Thus, then, he would dismiss the objections of the right hon. Baronet. But the right hon. Baronet had, he must say, made a very feeble defence of what he had characterized—and he appealed to the House if the character was not a just one—as unconstitutional proceedings. The right hon. Baronet had said, that it was quite impossible to frame an accurate estimate, and seemed to think, that he had pointed out a mode, which was not very exceptionable, when he proposed to ask for a sufficiently large sum to cover all demands, though he found it impossible to point out what those demands would be. What, asked the right hon. Baronet, would the Government do on a sudden emergency, if they had obtained only such

In 1827 the sum voted	£1430,	expended	£2,592
1828	, , nil	, ,	14,035

a supply as could cover obvious and enumerated wants? He would tell the right hon. Baronet what any constitutional Ministry would do. They would do one of two things:—they would come down to that House, explain the emergency, and ask for extraordinary aid; or, if Parliament were not sitting, they would be base and cowardly Ministers if they did not incur the necessary expense on their own responsibility, assemble the Parliament without loss of time, and take the Commons of England into their councils. This done, they would be indemnified if they were found to have acted right; and if they had acted wrong, they would meet with the fate they deserved, by being spurned by the House, and, as a necessary consequence, dismissed from their offices by the Crown. Such, in his humble opinion, would be the conduct of a constitutional Ministry; and he had therefore no hesitation in rectifying—as he believed he was in duty bound to rectify—every thing which he saw wrong, without reference to any prospective emergency. He knew that he had given the right hon. Baronet an advantage, by producing, for the first time, an estimate which, at the first glance, did not appear to be one of the clearest. Yet, after much deliberation, he could state with confidence, that if the House would pass it, insist upon this estimate being drawn in the same way for the future, and then, in every subsequent year, compare the items, and demand how each individual sum had been expended, every hon. Gentleman would be able henceforward to understand the Navy Estimates, which was more, he believed, than many hon. Gentlemen could say he had been able to do in former years. This had been his principal object: and if it were effected, the obvious consequence would be, a facility of checking abuses, and of preventing the misapplication of the Supplies. If he were to go out of office to-morrow, he should have the consolation of knowing that he had applied a remedy to such abuses for the future; and to effect this was far more congenial to his taste and disposition, than to indulge in useless recriminations. He did not mean to say that the present estimate was without defects, but, admitting these, he could not despair of its producing the good effects he had anticipated.

Mr. Poulett Thomson rose, as he had been referred to, to express his belief, that

it was within the power of one individual competently to discharge the duties of those offices which he had the honour to hold conjointly. The duties of the Treasurer to the Navy consisted in a general supervision of all that passed in his office—of an examination into the accounts of the several pay-offices, and of the warrants, from a neglect of which the public had suffered very seriously. His duty was also to examine the balances, and to check the mode in which the accounts were kept. The office of Treasurer of the Navy had been greatly changed since last year. Before last year there had been a Paymaster of the Navy, who performed many of the duties which he maintained the Treasurer himself should discharge. The hon. Baronet had alluded to the want of superintendence on the part of the Treasurer; and he must admit, that the hon. Baronet would be justified in complaining, if the Treasurer did not give that attention and examination to the accounts which was necessary to the public service. The hon. Baronet had asked, whether the Treasurer of the Navy got rid of the responsibility with respect to pecuniary matters, and whether that also was thrown on the person who should perform the minor duties of the office? To this he answered, that, as Treasurer, he should get rid of no part whatever of the responsibility that ever attached to the office, and that the officer alluded to had no responsibility as to money matters. He had no means of defrauding the public, and therefore no security was expected from him; whilst the cashiers, having pecuniary responsibility, were bound to give the public ample security. Having stated the manner in which it was intended that the minor duties of the office should be discharged, he thought he might appeal to the right hon. Gentleman who preceded him in office (Mr. F. Lewis), whether many of the duties of the Treasurer might not be performed by an assistant, without the Paymaster? He would put it to the right hon. Gentleman, whether some of those duties ought not rather to be performed by such an officer than by a Paymaster? The right hon. Gentleman had experience, and knew whether the minor duties might not be performed by a clerk; and whether it was worth while for the public, that a person holding such a situation as that of Treasurer of the Navy should perform such unimportant duties. Many of those duties

did not require the attendance of such a responsible servant of the public as the Treasurer of the Navy. This observation brought him to the consideration of the alteration which had taken place in the office last year. He and those with whom he acted, when at the other side of the House, always maintained that the office of Treasurer of the Navy might be joined with some other office, and that the Paymaster should be retained. The late Government, however, with the anxious desire which was always manifested by it to retain parliamentary patronage, abolished the effective office, that of Paymaster, and entailed upon the Treasurer the performance of duties which, if he might be allowed to use the expression, were below a the rank of the officer holding such a responsible situation. There were a variety of minor details, however, which could not be performed by the Treasurer, and should be performed by a clerk. By the arrangement of last year, a proposal for a saving to the public was resisted. By the arrangement now made, there would be a saving to the public of 2,000*l.* a year—*minus*, perhaps, a small sum of 200*l.*, as an addition of salary to the officer who performed the minor duties. Of his own performance of the duties of the office it would not become him to speak. Perhaps he might not be found competent to perform those duties. He did assure the House, however, that he had an earnest desire to discharge them; and, though he might not succeed, he was sure that many other individuals might be found who were adequate to the discharge of the duties which properly belonged to the office of Treasurer of the Navy, as well as the duties belonging to the other office he had the honour of holding.

Mr. *Frankland Lewis*, having been directly appealed to, felt himself called upon to trespass on the House for a few minutes. He would pass by the allusion made to the arrangement of last year, as the subject was then very fully discussed, and would come at once to the footing on which the office was now placed, being held by the right hon. Gentleman (Mr. P. Thomson) in conjunction with another very important office. He thought the right hon. Gentleman would concur with him when he said, that the office which he held must give full occupation to his time and thoughts. He admitted that a considerable part of the duties of the office

of Treasurer of the Navy were of minor importance, and he did not dispute that the right hon. Gentleman might occupy a portion of his time in the discharge of the most important duties, and exercise a useful control over the accounts. A person so conversant with accounts, and one so competent to understand them, as the right hon. Gentleman no doubt was, might be enabled to see that all was going on smoothly to prevent any abuses; but the country could not expect that the office of Treasurer of the Navy would always be filled by a person so competent. Although the arrangement which had been made was not precisely what he should have suggested, yet he could not avoid saying, that he was glad the ancient and honourable office of Treasurer of the Navy had not been abolished, not because the office was ancient and honourable merely, but also because it was important. If the Treasurer of the Navy was not a responsible person, known by his character in that House, and if the House ever should be unwise enough to trust the discharge of the duties of the office, and the large sum of money necessarily under the control of the Treasurer of the Navy, to any person of a lower class than hitherto filled the office, many years would not elapse before the House and the country would have occasion to regret such a course of proceeding. The country was now at peace, but it should be prepared for a war again; and when that event took place, considering the important interests confided to the Treasurer, he hoped the House would never be induced to trust the performance of those duties to the senior clerk of the Treasurer's department. No doubt, at present, the duty might be partly discharged by the right hon. Gentleman, and the other part by the senior clerk of the Treasurer's department. That individual had now to execute nine-tenths of the duties formerly performed by the Paymaster of the Navy. He did not deny that there was a great deal of the ordinary correspondence of the office which the right hon. Gentleman need not attend to; but yet he did not think that the whole correspondence ought to be thrown on the senior clerk. The person who now performed what were called the minor duties was highly respectable, intelligent, and competent, but the Treasurer could not always depend upon having such a man at his disposal. Besides, there were ques-

tions as to prize money, and arrears of wages, involving points of law, coming constantly under consideration; and as these questions arose in many cases out of claims made by seamen, it was important to see that the claimants had what was due to them, and that their rights were carefully, fairly, and honourably examined into. These were amongst the duties of the office, and he might be permitted to say, that duties so important should be discharged by an individual somewhat above a chance clerk. If the duties of the office were to be performed by the senior clerk, he hoped some addition would be made to that officer's salary, to enable the Treasurer at all times to secure the services of a competent person. These observations he made upon the understanding that the arrangement now made was not one of a transitory character.

Mr. *Hume* reminded the House, that it had been entertained for some time past by a kind of interlude. The discussion as to the office of Treasurer of the Navy might have been very proper when the vote was called for for the Navy Pay-office; but, on this occasion, it only took off attention from a subject far more important. After the statements of the right hon. Baronet who now brought forward the Estimates, and the right hon. Baronet (Sir George Clerk) who formerly submitted them to the House, he (Mr. *Hume*) was most anxious distinctly to express his opinion. The right hon. Baronet below him (Sir George Clerk) had, as he conceived, very adroitly led away and engrossed the attention of the House, by entering into a number of minor details as to the Estimates laid before the House. In order to show that his attention was not to be led away, he could assure the right hon. Baronet, that he could not jump to the same conclusion which the right hon. Baronet had done, as to the imperfections and inaccuracies which appeared in the new Estimates, and the unsatisfactory manner in which they were prepared. If he knew any thing of what an estimate ought to be, it should inform them what they were called upon to vote, the amount, and what purpose it was to be applied to. This was what an estimate ought to be; but, if he understood rightly what had fallen from the right hon. Baronet (Sir James Graham), for a series of years the Members of that House had been the dupes of fallacious accounts and statements laid be-

fore them by Ministers. If the Commons of England could not depend on the matters laid before them by Ministers — if they could not place implicit confidence in the accounts and returns laid before them, there was an end to all security for the public. He was not to be told that it was for the convenience of this or that department that the misapplication of the public money, now disclosed by the First Lord of the Admiralty should take place. He was not to be told that such a misapplication might be necessary in the exigency of a war. There was no war since the misapplication had taken place, and no reason was given to justify proceedings so contrary to law and to the custom of Parliament. He hoped the House would not run away from this subject, as it appeared it had done, by the cheers which followed the conclusion of the right hon. Baronet's (Sir George Clerk's) speech. That right hon. Baronet admitted that he could find no fault with the new Estimate as regarded the Admiralty-office, or the Navy-office, or the Pay-office; but yet he came to this, as to a kind of climax, that the Estimate now brought forward was not worthy of any consideration, if viewed as an improved arrangement. It had been asserted,—and that was one of the objections made against those Estimates,—that the labourers' wages were included in the scientific department. Such was not the case. The total Estimate for that department amounted to 20,276*l.* for the Royal Naval College, the School for Naval Architecture, the Royal Observatory, the Observatory at the Cape, chronometers, for rewards, experiments, and other expenses; for extra pay to his Majesty's ship *Chanticleer*, employed in a scientific expedition, and for the hydrographical department; and with the exception of the wages of two labourers, one employed at the Royal Observatory, and the other at the Observatory at the Cape, there were no labourers' wages included in that department. With regard to the arrangement as to the Victualling-office, he would admit that there had been an error committed. The abstract of part the first appeared both in pages 28 and 29. Now it would have been sufficient to give it in page 28, where it was included in the grand total 614,668*l.* 11*s.* 6*d.* But that was an error which was not calculated to render the accounts more complex. It was a mere error

in the arrangement, and all the items were given under their separate and proper heads. It was only fair to say, that the right hon. Baronet had given them an arrangement which was at present satisfactory; at the same time that he (Mr. Hume) did not mean to say, that next year it might not be considerably improved. But, though he was ready to give his unqualified approval to this Estimate, so far as regarded the form, he regretted to add that he could not approve of the substance—that was, of the amount. When they came to vote the sums required for each individual department, the observations he had to offer, as to the amount of the several items, would come more properly. He might observe, however, that, whilst the total amount of the Estimate of last year was 5,300,000*l.* they were now called upon for no less a sum than 5,800,000*l.* being an increase over the Estimate of last year of 500,000*l.*, which was a sum of considerable importance. Indeed he had hoped, that, so far from an increase, a reduction of 500,000*l.* or 1,000,000*l.* would be found in this Estimate. But, passing from these topics, however important, he must again refer to the statement made by the right hon. Baronet, when introducing the Estimate, that it was the custom, for a series of years, to take money from the House, as for one service, and to apply it to another. In his (Mr. Hume's) opinion, the House would not discharge its duty if it did not institute an inquiry into this proceeding, in order to discover how far this illegal practice had been carried, and where it had originated. He had no doubt, if an inquiry were instituted, many other misappropriations would be discovered, in addition to those referred to by the right hon. Baronet. He now recollected what his Majesty's Government did, and could conceive upon what grounds they acted, when the finance inquiry was going forward, and the Committee were about to enter into an inquiry relative to the Naval Department. On the last day that Committee sat they came to a resolution, recommending his Majesty's Government not to delay inquiry into this department, and to make such changes in it as would place it on a proper footing. The Finance Committee, however, never contemplated such a proceeding as applying millions of money to purposes which Parliament never intended they should be applied to. If Parliament

had known of many of the expenses which had been incurred, they would never have permitted them. He had taken the sense of the House on three different occasions as to the expense of the dock-yards, little conceiving that works were then going forward of which the House knew nothing. He must therefore admit, that the right hon. Baronet had certainly made a most important exposure to the House,—an exposure of a system of deception,—money having been voted for one species of works and expended in another, which was contrary to every thing that was known of the constitution of this country. After such an exposure had been made, the House would not do its duty if it did not institute an inquiry to ascertain how long those abuses had prevailed, and when and with whom they had commenced. He never supposed that millions of the public money had been year after year applied to purposes for which Parliament had never intended them. He was confident that if the House had been aware of such a practice, it would never have permitted it. Three years ago, having some doubts as to the practices going on in the dock-yards, he had moved for reports from Sheerness and the other dock-yards. Those reports were laid upon the Table of the House, but they afforded no clue to the abuses and deception which had been this night exposed to the House. The application of a sum of money in a manner not intended by Parliament might be excused for one year. He could understand that it might be desirable that works should proceed more rapidly than was at first intended, and that Ministers might not be able to wait till the meeting of Parliament; but could any man suppose that, if they took the liberty of applying the public money, contrary to the Act of Appropriation, one year, they were not bound to come forward next year to state what they had done, and call upon Parliament to sanction it? The late Chancellor of the Exchequer well knew what had taken place in the Finance Committee when a misappropriation to a much smaller extent was detected. After the discovery was made, the Committee met next day, and agreed to a special report, condemning the mis-appropriation of 250,000*l.*, which was taken from the French Compensation Fund, and applied to the building and repairs of Buckingham Palace. Could the late Ministers forget the defence they then

made? They stated, that they had only borrowed the money, and they added, that they did not defend the appropriation, as it was not regular. Could any man say, then, that such an appropriation of public money as had taken place in the Naval Department was regular; If they were to permit such proceedings, where was the responsibility of any set of Ministers, or what control was exercised over the finances of the country by the Commons of England? The House should visit the proceeding with such a measure of censure as should prevent the possibility of its future recurrence. In reality the House of Commons had no control over the public expenditure, if it should appear that within a short time so large a sum had been taken for one purpose, and applied to another. He knew not the amount of the sum thus illegally disposed of, for there was no confidence to be placed in any of the accounts that had been laid on the Table. A systematic deception was carried on, and those who were parties to it ought not to be continued for an hour longer in the public service. If the Navy Board was fairly chargeable with having sent forward those erroneous returns, no man concerned in the proceeding ought to continue a moment longer connected with that Board or with the public service. Every one who was a party to the abuse should be censured, for the whole financial history of Great Britain, he asserted, showed nothing equal to it. It turned out now, that in many instances half the sums voted for public services were not expended for the purposes for which they had been voted. It was a complete farce, if such proceedings were allowed, for that House to discuss the Estimates. It now appeared that 150,000*l.* of the public money had been expended upon the works at Portsmouth which had never been voted by Parliament for such a purpose. Some years ago, he (Mr. Hume) put a question to the hon. Baronet below him (Sir George Clerk), who was then on the opposite side of the House, as to those works. The hon. Baronet might recollect, that the answer which he then gave was, that the sale of the old works would provide for the erection of the new. The same answer was given to the hon. member for Reigate, and to the hon. member for Portsmouth, who in subsequent years put questions to the hon. Baronet on this subject: and yet he

expended this money upon those works without any authority for doing so. No explanation could in any degree palliate or excuse such conduct. This was no cavilling at paltry trifles. The salaries of a few officers was a drop in a bucket compared with such a proceeding—In one instance, the Government expended 229,000*l.* of the public money where only 74,000*l.* was voted. At Woolwich they had only taken a vote for 182,000*l.* whilst they had expended 325,000*l.* It did not appear how many years this system had been going on, but, he believed, for ten or twelve years.

Sir James Graham said, his statement had been that, within the last twelve years, 184,000*l.* was voted for Woolwich, and the sum of 325,000*l.* expended.

Mr. Hume resumed—in that case, the systematic deception had been carried on for twelve years. Well might the late Government refuse to grant him a Committee of Inquiry into the expenses of this department, for if he had once got his finger in, he would never have taken it out till he had probed the deception to the bottom. If the late Government ever stood condemned, it was by this disclosure. It should be taken up, if it was only for the slight they had thrown upon the House of Commons. What was it, in effect, but saying, “We have got the money in our hands, and we don’t care for you?” The members of the late Government might say they regretted this, but he did not believe that any of them would be bold enough to stand up and defend it. If they did, what might they not defend? He might say, what abuse had they not defended? If the late Ministers, however, treated this matter lightly, what would the people of England say, when they found thousands, tens of thousands, and millions of their money applied in this way? [*a laugh.*] This was not a matter to laugh at. If there was ever a grave question, so far as related to finance, it was the present. It was one of the most important disclosures on a financial subject that was ever made. Those who were concerned in these misappropriations might endeavour to defend them, as having been for useful public services, but that was no excuse. It was the violation of principle of which he complained. With regard to the Leith works, he would admit that he had been a party to the recommending a loan to be given, in that instance, of 300,000*l.*, at 3½ per cent, to be repaid by instalments,

but he never meant that a shilling of that money should have been given by Government, without coming down to Parliament, in the first instance, to obtain authority to lend it. Another gross abuse had been, that, whilst Parliament voted 9,000 men for the Marine service, 9,500 had been kept up. Every man kept up beyond what the Mutiny Act gave power to keep, had been illegally kept, and would subject those who were responsible to serious consequences in a legal point of view. It now appeared, and the discovery was, indeed, a most important one, that since the year 1820, Government had paid 1,243,000*l.* more in wages than had ever been voted by that House. How were the present Ministers prepared to deal with such a Government? He did not know what number of servants and labourers might have been employed, but it would be necessary for them to go through all the estimates up to that year, in order to ascertain the facts. Would the hon. Baronet (Sir George Clerk) say, that in such a system of accounts, where such deception could have been practised, there was the slightest check against the mal-appropriation of any sum? What he thought still more serious regarded the misappropriation of public money in stores. The people of England should look to passing events—to the changes which were in progress; they should see that it was highly probable that steam-vessels would be much employed in the next war which might occur, and they should pause in laying out so much money upon stores, the more especially as they ought to bear in mind, that 25,000,000*l.*, since the war, had been expended on the building of ships. He was sure that they would pause when they saw that the right hon. Baronet alone (Sir G. Clerk) had expended, in the last four years, more than 3,000,000*l.* in building ships. The Government should pause before it expended money in manufacturing new ships, when there were already three times as many as could ever be wanted. There was as much as 1,030,000*l.* of the disposal of which they knew nothing. He wanted words to describe with sufficient strength his disapprobation of such a departure from duty by the Ministers, who were bound by their oaths to have pursued a different course. Boards had been the ruin of this country; they were the great sources of expenditure. He would say, with the right hon. Baronet, that the

whole proceeding was illegal. It would be a question for a Court of Law after a Committee of that House had ascertained the fact. If the country were to receive no other benefit from the services of the right hon. Baronet but the exposition of that night, the country and the House would be his debtors, for the candid and manly manner in which he had come forward, not like other Governments, endeavouring to screen abuses, but to expose them to detection, with a view to providing a remedy. The right hon. Baronet had done well for the public service by unmasking a system which he would do well not to permit twenty-four hours to pass without endeavouring to alter. He hoped, too, that the House would not let another session pass without bringing the Navy Board to account. He would again assert, that upon the superannuation list there might be a great saving, and that 1,500,000*l.* might be saved upon the whole service. What country but this would think of laying out 1,000,000*l.* of money in building ships, when we had numerous ships lying in ordinary, and and rotting unemployed. The Government, under present circumstances, ought not to spend more money than would keep ships in repair, especially as England had twice or three times as many ships as France. He could not sit down without expressing his strongest disapprobation at the scale of expenditure.

Sir *Byam Martin* could not refrain after the direct allusion that had been made to the conduct of the Navy Board, from offering some explanation respecting it. The hon. member for Middlesex was mistaken in supposing that the responsibility rested with the Navy Board, for the Estimates were always revised by the Admiralty. With respect to more men being borne than were voted by the House, such had always been the practice, from the earliest times. In 1731, 100 years ago, 10,000 men were voted, but 11,130 were raised. The same system, too, prevailed at other periods. In 1785, a period of the most profound peace, the same thing was done. In the year 1787, although only 18,000 men were voted, 19,440 were borne. In 1788, 18,000 men were voted, but 19,940 were borne. In 1792, a period the hon. member for Middlesex was fond of referring to, 16,000 men were voted, but 17,360 were borne. The complaint now made, therefore, was applicable to every vote passed since the

existence of the Admiralty. His own opinion, however, was, that the system was objectionable in principle, although convenient in practice. There was an Act of Parliament which broke down the Appropriation Act; he meant the 31st George 2nd, which made it imperative, that, from the amount voted for the service of the Navy, a sum sufficient to pay the wages of the seamen should at any rate be taken. This Act was again enacted and recited, in an Act of the last year of the reign of his late Majesty. He would give the House an instance of the impossibility of voting a limited sum for each specific branch of service in the Navy, instead of the several services being provided for, according to their wants, from the total sum voted by Parliament. There was an Act by which the Admiralty was compelled to provide assistance to all distressed shipwrecked seamen. Now, who could foresee, when the Estimates were brought forward last year, that all the Greenland ships would have been wrecked, and have entailed an additional expense on the Navy department of 10,000*l*.? The greatest inconvenience would arise, therefore, if the Navy Board were not permitted to apply part of that sum voted by Parliament to the different branches of the service as they were required. In 1798, an alteration certainly took place in the appropriation, but whether from accident or design, he had not been able distinctly to ascertain, although he believed that it was accident. One clear proof of the Navy Board not having abused the conveniences of the system of applying the money to those branches of the service where it was wanted, was, that upon an average, 62,000*l*. per annum had been expended less than had been voted by the House.

Sir *H. Parnell* said, that it might be convenient to leave the application of the sums voted by Parliament to the executive Government, but at all events he thought that it was a very unconstitutional measure; and he was convinced that every vote could be made applicable to the general balance-sheet of the State. This was the case with respect to the French navy, as appeared by a large quarto volume that had been published—every expenditure having reference to an article in the Budget under which it was voted; and, in fact, the Officer could not pay the amount, unless he received an order which recited the chapter and section in pursuance of which the

order was made. From this it would appear, that the difficulty which was supposed to exist in this country was found to be no difficulty elsewhere, and was, in fact, merely imaginary. The country was much obliged to the person who had reduced the Navy Accounts to a system of Double Entry; and it would be most useful if it was adopted generally throughout the accounts of the country. Hitherto they had been going upon a system of entire deception, for when they thought they were voting for one thing, it turned out that they had been voting for another. With respect to the business of the night, he must say that he had been disappointed in the amount of the Navy Estimates, and he believed he might say, that the hopes of the country were disappointed also. It appeared to him that there was room for very great reduction in the Navy department, and when they compared the expenditure of this country with that of others, he did not see how that point could be disputed. He regretted exceedingly that the present Ministry was following the course of the late Ministry as to the public expenditure, and he predicted from that its loss of the public confidence. It had been supposed and stated by some persons, that the noble Lord had taken his Budget from the book which he (Sir *H. Parnell*) had published on Finance. That he must deny, for though he approved of the taxes the noble Lord had taken off, had he consulted that work he would have found the means to carry on the public service without laying on any additional taxes. That part of the noble Lord's Budget, therefore, had certainly not been taken from his book, and he did not approve of it.

Sir *George Cockburn* maintained, that it had always been the practice to consider that the gross sum voted was applicable to all purposes indiscriminately in detail, provided the total amount of the vote was not exceeded. Unless a discretion were allowed to officers on foreign stations, it would be exceedingly difficult to keep accounts. The accounts of the station of the Isle of Ascension, which had been alluded to in the course of the evening, were not of a nature to require the interference of that House. He thought the right hon. Baronet quite right in keeping up the effective force of the Navy.

Sir *James Graham* observed, that Ministers were placed in a difficult situation,

being obliged to bring forward heavy estimates, at the same time that they had entered upon office under strong pledges of economy. He was satisfied, however, that circumstances had justified his Majesty's Government in the course it was adopting, and he trusted that the majority which had the other night supported the Army Estimates would also sanction those now before the Committee, it being equally necessary to keep our naval and military establishments on an effective footing.

Mr. *Hunt* thought it his duty to say a few words, when he found it proposed to take five millions and a half out of the pockets of the people on account of the Navy alone. Such an immense expenditure could hardly be created without a vast deal of neglect, or it might be worse. A large sum was annually voted for timber for the Royal Navy, and he had been credibly informed, that no contracts were entered into for the supply of that article—that there were no public biddings as with respect to other matters. He wished to know how the thing was managed? And whether there were any contracts, public or private, and how frequently these occurred? He wished to observe, too, that he had heard at Portsmouth that the hon. Captain Grey was appointed to the command of the *Actæon* three months before the vessel was launched—it was also said, that this was one of the last acts of the late Administration. He wished to know whether the statement was true? He must deprecate the increase that had taken place in the Estimates, and he might be thought culpable for not having taken the sense of the House when such extravagant sums were proposed to be voted away. His only reason for abstaining from taking such a course consisted in the plain fact, that Ministers had promised the country an effective reform in the Representation, and he felt unwilling to embarrass them by opposition. It was upon this account that he felt tongue-tied upon the occasion, and was restrained from speaking of measures like the present in such terms as they deserved. He sincerely hoped Ministers would bring forward a plan of efficient Reform, and if they did so, he told them they would have the country with them, and need not fear the threats of Members upon that side of the House. However, if his Majesty's Government thought they could satisfy the country without conceding Vote by

Ballot, they were grievously mistaken. [*Loud cries of "Oh, oh."*] It might be "oh, oh," there, but in the country it would be "wo, wo," if this concession were refused.

Mr. *Hume* wished for a better classification of the 32,000 men employed in the Navy and Marines, in order that the number of officers, and the various grades, might be easily distinguished, as in the Army. He might as well, perhaps, give notice of his intention to-morrow, to call for a specification of such details. When the proper time arrived, he should move a reduction of 7,000*l.*, proposed to be allowed to Generals of Marines, such places being sinecures. If they were kept up, they ought to be given to marine officers, not naval officers. To-morrow he would move for a return of the men and officers included in the Estimate, in detail.

Mr. *Leader* said, that of the 6,000,000*l.* about to be voted away, only 1,500*l.* was devoted to the service of Ireland. He observed, that in the same estimate 1,500*l.* was voted for the salary of the Secretary of the Admiralty, and 1,500*l.* for the port of Trincomalee. As an Irish Member, he thought it his duty to protest against such an appropriation.

Sir *James Graham* said, that his hon. friend, the member for Middlesex, would find that the men were already classed in the Estimates. He believed, too, that his hon. friend would find, on inquiry, that there were cogent reasons for retaining the General Officers of Marines, and bestowing those appointments on naval men. He hoped his hon. friend would not, therefore, press his Motion.

Sir *B. Martin* said, that public competition (which existed with respect to all other articles supplied to the Navy) was only prevented in the case of timber, by the impracticability of carrying the principle into effect. The last supply of timber took place by private contract about three months ago; there had been no contract for about two years preceding.

Mr. *Hume* observed, that the men and money had never been voted together before. He did not at that moment intend to object to the vote for 32,000 men, but when the Resolution granting the money was proposed, he would take the opportunity of objecting to the item which he had mentioned.

Sir *J. Graham* said, he found, on examination, that his hon. friend's observa-

tion, with respect to the separation of the votes for numbers and pay, was correct, and in compliance with former practice he should first move a Resolution as to the number to be employed. The question with respect to Generals of Marines could come on when the money vote was proposed.

Mr. *Hume* wished to ask, whether Sir James Cockburn, who, he believed, had never been in the Marines, had been appointed to a high situation in that corps? If he had, that would, he knew, be considered by the whole corps of Marines as a stigma cast on them.

Sir *J. Graham* said, it was the intention of Government to break up the establishment of the Paymaster of Marines, and abolish the office altogether. The duties of Paymaster of Marines had been partly military and in part civil. He inspected the corps and their clothing, this was a military duty; with regard to the civil duties, one of which related to the contracts for clothing (that would go to the Victualling Office), and another being matter of account would be referred to the Navy Office. It was proposed to make the Treasurer of the Navy, who was paid as Vice President of the Board of Trade, Paymaster of the Marines, *pro tempore*, but without any salary. Certainly Sir *J. Cockburn* had never belonged to the Marines, but inasmuch as he had faithfully discharged the duties of Paymaster of the Marines, and as his office being abolished he must have received a superannuation allowance if some other duty had not been provided, it was thought right to make him (whose efficiency could not be doubted) Inspector-General of Marines, in which capacity he would discharge the military functions of Paymaster, his Majesty having been pleased to restore him to his military rank of Major-general. By this arrangement a considerable saving would be effected. In making it he had acted solely with reference to the public service.

Sir *G. Cockburn* put it to the right hon. Baronet to say, whether he (Sir *G. Cockburn*) had ever applied to Government on the subject of his brother's appointment.

Sir *J. Graham* said, certainly not.

Mr. *Hume* observed, that although he objected to the office, he had no objection to the man. He did not care anything at all about the man. If the office were necessary, some Marine Officer should

have been raised to it. If Sir *J. Cockburn* was one of the 32,000, he should move, that instead of 32,000 men to serve in his Majesty's fleet, the number be reduced to 31,999, including, not 10,000, but 9,999 Marines, with a view to mark his dissatisfaction at this attempt to create a new office.

Mr. *Hume* having formally made his Motion, the gallery was about to be cleared, when

Lord *Hotham* said, the appointment in question appeared to him to cast an unjust and unnecessary stigma upon the Marines. It was on public grounds he objected to the measure. The Marines were a corps which could not be too highly esteemed. If there were any offices of value belonging to the corps, they ought to be bestowed on the officers of that corps. He had no personal feeling on the occasion, as he had not the advantage of Sir James Cockburn's acquaintance; but, on public ground, if the hon. Member divided the House on the subject, he would divide with him.

Lord *Althorp* said, that the appointment had been made with a view to economy, in order to save the superannuation. It was not, in fact, a new appointment, but a substitution of one office for another. If the hon. member (Mr. *Hume*) chose to retain the superannuation,—though he (Lord *Althorp*) should be surprised at it,—and if the House chose it, the Ministers must submit.

Mr. *Hume* said, the stigma cast by the appointment on the corps would be cheaply wiped off at the expense of 10,000*l.* He trusted the appointment would not be persevered in, and he should almost regard it as a personal favour to himself if it were done away with.

Mr. *Keith Douglas* was understood to say, that the abolition of the place of Paymaster of the Marines was one of those measures of economy recommended by Ministers when they sat on the Opposition side of the House, and which they found they could not now carry into effect; even the hon. member for Middlesex was against it.

Mr. *Hume* would not detain the House; and after what his noble friend had said, understanding that his noble friend would not persist in the appointment, he would not divide the House.

Lord *Althorp* in reply to the hon. Member, was understood to imply, that

the Government did not mean to rescind the appointment.

Colonel *Davies* was of opinion, that the proposed alteration would not be economical.

Sir *James Graham* briefly defended the alteration proposed by the Government. There were two officers between whom a choice was to be made; one of them was seventy-four or seventy-five years of age, and he thought it much better to superannuate the old man than the young one. He denied that any stigma was cast upon the Marines by the proceeding which Government had proposed.

The gallery was cleared for a division. No division, however, took place, the proposition was agreed to, and the House resumed.

HOUSE OF COMMONS,

Saturday, Feb. 26, 1831.

[The House of Commons met this day exclusively for the purpose of receiving Petitions on the great question of REFORM.]

MINUTES.] W. F. HANDLEY, Esq. took the Oaths and his Seat.

Petitions presented. For Reform, by Mr. TRAIL, from Stromness and Wick:—By Mr. R. GORDON, from Crick-lade and Dursley:—By Colonel TYRELL, from Bury St. Edmund's:—By Lord STANLEY, from Liverpool:—By Mr. Alderman WAITMAN, from the Wards of Bread-street and Bishopsgate, and from the parish of St. Andrew's, Holborn:—By Sir J. SEBRIGHT, from Bishop Stortford and Hitchin:—By Mr. C. DOUGLAS, from Lesmahago, Lanarkshire:—By Mr. PHILIPPS, from the City of Gloucester:—By Mr. Alderman THOMPSON, from the London Bankers and Merchants, signed by 32 Bankers, and 700 of the principal Merchants in the City:—By Mr. KENNEDY, from Glasgow, signed by 30,975 inhabitants; from Peebles, Sanguhar, Beith, and Inverary:—By the LORD ADVOCATE, from Cupar, Langholme, and Dundee:—By Sir R. FERGUSON, from Dundee, Newton Stewart, and Cambuslang:—By Mr. J. WOOD, from Tadcaster, Yorkshire:—By Mr. PENDARVIS, from Truro, signed by 300 persons; from Lostwithiel and Saltash; in the absence of the noble Lord, the member for Cambridge, from Chatteris, in the Isle of Ely, and the other from Whitel-sea:—By Mr. WARBURTON, from Melksham, Calne, and Shaftesbury:—By Mr. HUME, from the City of Bath, signed by 5,000 inhabitants; from the Isle of Wight, signed by 5,500 inhabitants; from the City of Leicester, signed by between 3,000 and 4,000 persons; from the Town of Brighton, signed by 8,000 or 9,000 inhabitants; from the Working Classes of Glasgow; from the populous and important Town of Paisley, signed by 8,000 or 9,000 inhabitants; from Aberdeen; from Hastings, Bannockburn, Rye, and the Cinque Port Towns; from the Unrepresented Inhabitants of the Parish of Mary-le-bone, agreed to at a most enthusiastic Public Meeting; from the Hamlet of Mile-end; Dunshort, in Fifeshire; Hinckley, in the County of Leicester; Stepney; from the Cabinet-makers and Joiners of Manchester; from the Freeholders and Burgesses of Monmouth; from Kindie, Scotland; from Kirkfield Bank, County Lanark; from Lisnahago; from Kilbarchan, Renfrew; from the forty-nine Trades of Leith; from the Incorporation of Weavers in Selkirk; from Frome; from the Inhabitants of the County of Caithness; from Ainsworth, Warblington, and Bolton-le-Moors, Plympton Erle, East Wemys, Asworth, Washing-

ton, Burtley, and from Villages in the County of Durham; also from William Morland, who prayed that no one should be entitled to Vote but heads of families:—By Mr. LEON KECK, from Long Whaddon and Sibley, in the County of Leicester:—By Lord G. BERESFORD, from the County of Waterford:—By Sir F. BURDETT, from Calne and Ramsbury:—By Lord EBRINGTON, from Devonport, signed by 5,000 persons; Dartmouth, Huntingdon, and Stockton-on-Tees:—By Lord MORPETH, from Leeds, bearing the signatures of 17,000 individuals; from the Political Union of Sheffield; from the contiguous Parishes of Aldborough and Boroughbridge; and from Marsgate, Sandford, Hopenstall, Hickerton, Westbury, and Wells:—By Sir G. ROBINSON, from Northampton:—By Mr. WEBB, from the City of Gloucester:—By Mr. SANDFORD, from Yeovil:—By Sir W. INGLEY, from Knaresborough, Holbeach, from the City of Lincoln, and from the County of Lincoln:—By Mr. O'CONNELL, from the Town of Carlow, in Ireland; from Carnew; from Chippenham; from the Parish of St. David, in the City of Oxford; and from the Freeman of the City of Oxford:—By Mr. J. CAMPBELL, from Bothwell:—By Mr. C. DUNDAS, from Richmond, in Yorkshire:—By Sir J. BOURKE, from Galway; and from the County of the Town of Galway:—By Mr. CHAS. CALVERT, from the Parish of St. John, Surrey:—By Mr. TUDOR, from Barnstable:—By Lord GRIMSTON, from the same place:—By Mr. BROWNLOW, from Belfast, Lurgan, Navan, and Armagh:—By Sir J. GRAHAM, eight, from places in Scotland, and a Petition from Cockermouth:—By Mr. E. ELLICE, from an individual at Portsea:—By Mr. BOUVERIE, from New Sarum:—By Mr. EWART, from Liverpool:—By Mr. S. LUMLEY, from Mansfield and Hucknall Torkard:—By Mr. RUSSELL, from Chester-le-street, and various other places in the County of Durham:—By Sir R. PRICE, from Ross, and other places of Hereford. The Petitioners of Ross prayed that that ancient Borough might be restored to the privilege of returning Members:—By Sir T. AGLAND, from Townstall, Devonshire:—By Mr. HODGES, from Rochester, and other places in Kent:—By Mr. DENISON, from St. Mary's, Newington, Lambeth, and other places in Surrey:—By the Marquis of TAVISTOCK, from Luton.

PARLIAMENTARY REFORM.] Lord Althorp presented about a hundred Petitions for Parliamentary Reform, many of them also praying for Vote by Ballot. His Lordship, in presenting them, said, he had long been persuaded that without Parliamentary Reform there would be no security for any Government in this country. He had entertained that opinion so decidedly, that he took office on the express condition, that Parliamentary Reform should be the earliest possible measure of the Government. Without it, he believed, there was no safety for the people, and no stability for the Government. As, however, the measure prepared by the Ministers was to be introduced on so early a day, he would not trespass further, his object not being to make remarks that might provoke discussion now. His Lordship then presented Petitions from Manchester, signed by 12,245 petitioners, praying for Short Parliaments and Vote by Ballot; a similar Petition, from Bristol, signed by about an equal number; from Penrhyn, praying also for the preservation of purity of election there; from the county of Montgomery,

the county of Monmouth, the inhabitants of Salford, from Crompton, Ludlow, Lymington, Titchfield, Wellingborough, Christchurch, Wigan, St. Luke's, Middlesex; Towcester, the county of Dumbarton, the town of Hamilton, the town of Cardross, the borough of Renfrew; from Carrickfergus, Ballymena, Galway, Chipping Wycombe, Kettering, Hastings, Woolwich, Cheltenham, Brighton; and other places.

Colonel *Baillie* observed, that the petition from Bristol was most respectfully and numerously signed; and the only reason why it was not intrusted to him was, because he would not pledge himself to the Vote by Ballot. He was a friend to Reform; but he wished to keep himself free to examine any measure which might be submitted to Parliament.

Mr. *Hunt* had been written to, that he might support the prayer of several of these petitions. At most of the places, particularly at Manchester and Brighton, the people were unanimous in demanding the Ballot; and so strong was the feeling in favour of it, that no other reason could be assigned why the people of Bristol would not place their petition in the hands of their popular Member, than that he would not pledge himself to this favorite measure.

The Marquis of *Chandos*, alluding to some expressions formerly used by members of the Ministry, implying that, if they should be unsuccessful in the measure of Reform which they meant to propose, they would dissolve the present Parliament, observed, that such a threat he very much disapproved of, and thought, that, under the present circumstances of this country, and in the present aspect of foreign affairs, no Administration ought to dare to dissolve the Parliament.

Mr. *Cutlar Ferguson*, speaking as the independent Representative of a Scotch County, which had thrown off the yoke of the Government and the peerage, was quite prepared to meet his constituents, if the Ministers should find it necessary to dissolve Parliament.

Sir *John Sebright* said, that not being connected with the Ministry, he could not be aware of the nature of the propositions which they intended to bring forward; but this he would say, that if that House should decide the important question which was approaching in a different way from that which he believed to be the almost unanimous sense of the country, it would then be the duty of the Administration to dis-

solve the Parliament, whatever might be the consequences.

Mr. *John Wood* supported the prayers of the petitions from Manchester, Salford, and other places. He knew that the family of Lord Balcarras possessed the nomination of Wigan, while the people had no choice in their Representatives. That family had said, that they would keep the present Member in till a certain noble Lord came of age, and that then he should take his seat for that borough in Parliament. Was that a satisfactory state of the national representation?

Lord *Stanley* said, that the feeling in favour of Reform had made very great progress in Lancashire. He, however, did not approve of Ballot, and he was not satisfied that his constituents were in favour of it. He knew that it would open a door to hypocrisy, and teach men to smile in your face, while they were preparing to stab you whenever you turned your back.

Mr. *Portman* stated, that the feeling in favour of Reform had become very general in Dorsetshire; and he was prepared to give the Ministers his support, if they brought forward a full and efficient plan of Reform.

Mr. *Wilson Patten* concurred in the views of his noble colleague (Lord Stanley). Petitions read.

BRISTOL PETITION AGAINST REFORM.]

Mr. *H. Davis* presented a Petition from Bristol, against what the petitioners feared were the projected measures of Reform. He concurred with the petitioners, and he could not but express his deep regret, that at such a time, the Ministers should have determined on agitating the country with measures of Parliamentary Reform. He feared that the result would be any thing but beneficial. He could not but think, that the Reform sought out of doors meant neither more nor less than revolution.

Mr. *Hunt* strongly condemned the language of the hon. Member. He had no right to call the reformers revolutionists. He knew the history of the petition well. It was not the petition of the merchants, bankers, &c. of Bristol; it was neither more nor less than "a hole and corner" petition. Having been got up thus clandestinely in Bristol, it was sent to the several parish authorities within fourteen miles of Bristol, and thus were obtained signatures. Many of them he described as being only those of mere paupers—of

persons who could not resist what they were commanded to do.

Col. *Baillie* defended the respectability of the petitioners.

Mr. *H. Davis* said, there were about 5,000 signatures to it, and there were not above 700 signatures obtained out of Bristol. It did not warrant the description given of it by the hon. member for Preston. The persons were most respectable.

Petition to be printed.

PETITION FROM EDINBURGH.] Mr. *Kennedy* said, he held in his hand the Petition from Edinburgh, agreed to at a public meeting in that metropolis, in favour of Reform, containing 21,700 signatures, and he felt no common honour in having it intrusted to his care. The population of that city was 160,000, and when it was considered that the representation was virtually vested in three individuals, he apprehended the House would agree with the petitioners, that a Reform in Parliament was necessary. He felt the utmost confidence in the present Administration, and trusted, that the great measure about to be submitted would prove satisfactory to the country. On the present occasion he abstained from entering upon that question, and, as many hon. Members had petitions to present, he would not detain the House.

Mr. *Dundas* bore his testimony to the high character of the requisitionists convening the meeting at Edinburgh, among whom were the Lord Advocate and his Deputy. Notwithstanding the respectability of the requisitionists, he should be wanting in his public duty, if he did not declare, that improper methods had been employed to obtain signatures to the petitions.

The Lord Advocate remarked, that there was a misapprehension in the hon. Member's mind, as to the circumstances under which the petition from Edinburgh was signed by him, and the Solicitor General for Scotland. The fact was, that the requisition for the meeting was made before he had the honour of holding the office in which he was now placed, nor was the present Solicitor General for Scotland in his office either; but these circumstances did not alter his views with respect to the petition, which was signed by nearly the whole of that portion of the inhabitants of Edinburgh who were considered as the leading persons in society there.

Petition to be printed.

PETITIONS FROM WESTMINSTER.] Mr. *Hobhouse*, in presenting Petitions from the parish of St. Ann, Westminster; from several Benefit Societies; from a parish in Wilts; and from a parish in the county of Galway, in favour of Parliamentary Reform, took occasion to observe, that the great mass of the people were now unanimously in favour of Reform. From the knowledge he had of the feelings of his constituents, he had no doubt that nothing would satisfy them but a Reform, comprehending Vote by Ballot, short Parliaments, and an extension of suffrage, at least to the extent of the number of persons contributing to direct taxation. The people were no longer to be tricked by any measures of delusive Reform. No man had stood up during the course of the day, and stated that he would oppose Parliamentary Reform. This was a new feature in the present discussion, and one which he was happy to observe. The public had a very proper degree of confidence in his Majesty's Ministers; and he hoped they would not be disappointed in the measure which was to be brought forward on Tuesday next.

Mr. *Hunt*, in presenting twenty-four Petitions, praying for Reform, and Vote by Ballot, from Worcester, Ashton-under-Line, Blackburn, Langfield, Kingsbury, Bolton, Manchester, Laleham, Under-shaw, Petersfield, Paisley, from the Rotunda, Blackfriars'-road, from Gisborough, Forfar, Newark, and other places, strongly supported the prayer of these petitions, and took occasion to remark on the careless manner in which petitions were presented to that House. If the people of Birmingham had only seen how their petition was dealt with, and that it had occupied the attention of the House not even for two minutes, he felt certain that they would not trouble themselves to petition any more. He trusted that the Reform, to be brought forward on Tuesday next, would be full and effectual, or else it would not satisfy the people; for he could tell the Ministry, that the young men of Bolton, and the same decision was fast spreading throughout Lancashire, had determined to rot in gaol, before they would serve in the Militia, unless they were to have a share in the representation of the country.

HOUSE OF LORDS,

Monday, Feb. 28, 1831.

MINUTES.] The London Approaches Bill was read a second time.

Petitions presented. In favour of Reform, and of Vote by Ballot, by the Earl of RADNOR, from Bridgewater, Gisorborough, Kilbynee, and Marlborough:—By Earl SPENCER, from Leicester and Lincoln:—By Lord SALTOUN, from Inverary:—By Lord DURHAM, from Northam, Gateshead Hill, Durham, and from Sunderland:—By Earl MORLEY, from Plymouth:—By the Duke of DEVONSHIRE, from a Parish in the County of Waterford:—By the Marquis of LANSDOWN, from Wells, and other places:—By the Earl of GLENGALL, from a Parish in the County of Limerick:—By Earl CAVDOR, from Caermarthen:—By Earl GREY, from Uxbridge, Leith, and Lanark:—By Lord KING, from the County Palatine of Lancaster, Great and Little Bolton, Christchurch, Caithness, Selkirk, Bannockburn, Northampton, Radford, Leslie, Fife, Barnstaple, and from Brighton:—By the Lord CHANCELLOR, from Banff, Londonderry, Dumfries, Kircudbright, and other places. Against Slavery, by the Archbishop of YORK, from several places in Yorkshire:—By Lord KENYON, from Caermarthen:—By Lord DACRE, from Ashton-under-Lyne, and other places. By the Marquis of CLANRICARDE, from Galway, for an extension of the Franchise. By the Earl of GLENGALL, from parishes in Kilkenny, for a Repeal of the Union.

NEW POLICE.] Lord Wharncliffe presented a Petition from the Parish of St. George, Hanover-square, complaining of the expense of the New Police. The petitioners did not complain of the nature of the force, nor of the manner in which it was conducted, but they thought it very hard that they should have to pay so very largely for a security, it costing them 10,000*l.* per annum, from which others derived as much benefit as they did; under the old watch system, these expenses were 6,500*l.*, and now they were 17,500*l.*

Viscount Melbourne said, he was glad to find that there was no objection to the nature or conduct of the police force. It was evident that an efficient force could not be procured at the same expense which an inefficient one cost, and it could never, he hoped, be considered a wise economy to starve a service which so effectually preserved domestic peace and the security of property. The police must of necessity be more burthensome in the rich parishes than in the poor; but the question in reality was, did it or did it not benefit those on whom the expense fell? At the same time he assured the noble Lord that every care would be taken to keep down the charges, and to make the service as effective as possible at the least expense.

Lord Wharncliffe did not see why the parish of St. George should have to pay for the wants of others; it was quite sufficient that it should be chargeable for the maintenance of its own security. The expense of the watch did not exceed 3½*d.* in the pound, while that of the police was 11½*d.*

Earl Rosslyn wished to know, how 11*d.* in the pound could be charged, while the

Act of Parliament only gave a right to levy 8*d.*

Lord Wharncliffe said, the charge was not made on the parish rate, but on the full value of the property; and it was levied, not by the valuation of the parishioners, but according to a demand made on the parish by the Commissioners of Police. The Act of Parliament determined the whole sum should be charged on the poor-rates, and by that contrivance property was compelled to pay the sum imposed; and, in fact, those who could pay were obliged to pay for those who could not.

Lord Ellenborough said, the parish of St. George had no right to complain. Before the establishment of the police force there was security only in particular places, but at present there was a general security, and those who benefitted by it must pay for it.

DISTRESS IN IRELAND.] Lord Dacre presented a Petition from Erris, in the County Mayo, setting forth the great Distress which prevailed in that part of the County, and calling for immediate relief.

Lord Teynham called the attention of Government to the state of misery, and of almost starvation, which prevailed in a part of Mayo and Galway; and said, that it was the duty of the Government to afford some immediate relief.

Earl Grey said, the Irish Government was already informed on the subject, and had given notice of its intention to afford relief, and no doubt could be entertained of its anxiety to do so.

Lord Teynham repeated, that immediate attention was necessary; for, though the noblemen and gentlemen of Mayo had exerted themselves as much as possible, all they could do was insufficient without the aid of the Government.

The Marquis of Lansdown assured the noble Lord, that the distress of the part of the country alluded to had not escaped the attention of the Irish Government; and those who knew the character of the noble Marquis at the head of it, could rely on the promptitude and benevolence of his exertions. He had only further to say, that it would be well if public attention was less forcibly drawn to the means which Government was disposed to employ to afford relief in cases like the present, for it was evident that, if expectations were

too highly raised, its views might, in some degree, be counteracted, and the suffering of the people extended.

PARLIAMENTARY REFORM.] The *Lord Chancellor* presented a Petition from the County of Devon, in favour of Reform, the tenor of which, he said, was moderate, as it only prayed for a correction of the Representative system of the country. He trusted, that there was no person prepared to oppose a petition of this nature, as, however reasonable the objections to the other demands of Reform might be, he that could say, that the Representation of the country was perfection, and could not be improved, was fitter for a museum or a menagerie than to be a Member of the Legislature. He had, also, to present a Petition, numerous and respectably signed, from Liverpool, which contained a recommendation of a nature more questionable than that suggested in the last, and in which he could not state that he was disposed to acquiesce. The petitioners recommended the adoption of the Vote by Ballot, but, though he could not agree with them, he was far from doing what he had been misrepresented to have done; namely, treating the feeling of the people on this subject with contempt. He was aware that the public opinion in favour of the Ballot was growing stronger every day, and he treated those who held it with the deference they were entitled to. He was still unconvinced on the subject, and he believed that a Ballot would be nothing like the effectual remedy which the proposers of it expected.—Petitions to be laid on the Table.

TITHES, EXPENSES, AND LITIGATION.] Lord *King* presented a Petition from Grey-stock, praying for an Amendment of the Tithe-system. The petitioners complained, that they had been for thirty years involved in litigation with their Rector, and that they had lost many thousand pounds in endeavouring to support their ancient customs and moduses; that they had been dragged into all the Courts at Westminster, and into the Ecclesiastical Courts at York and Carlisle; that at one time forty or fifty suits were pending against different persons; and that, although the Earl of Eldon and Lord Lyndhurst had decided in favour of the petitioners on the subject of moduses, still the Rector persevered in opposition to their decisions.

He would, with their Lordships' permission, read an extract from the Report of the Commissioners appointed to inquire into the laws relating to real property. The Commissioners say—

“On the still more important subject of tithes, we propose at present to consider of a limitation for them in the hands of the laity only. We hope to suggest some improvements in law, by which tithes, in the hands of the ecclesiastics, may remain equally valuable to them, and be rendered less productive of vexation to the laity. We are deeply impressed with the conviction that the property of the Church should be held sacred, and that the clergy should be protected in the enjoyment of their possessions and rights; but we conceive that the clergy might derive benefit from regulations that might lessen the litigation to which the claim to tithes now too frequently gives rise, and might rescue this species of property from the odium which, on this account, is sometimes unjustly cast upon it. We should venture to bring forward any propositions on this subject only after the most mature consideration, and after an ample opportunity had been afforded to those most immediately interested to give an opinion as to their probable tendency. With this view we have submitted certain questions respecting tithes and other ecclesiastical property to the right reverend the Bishops, and we delay proposing any alteration in the law upon this subject, until we shall have been favoured with the answers of such of them as may be pleased to communicate their opinions to us. We feel reluctance to propose any new rule affecting the property of the Church without their previous sanction.

“We are fully prepared to say, that in our opinion, the right to impropriate tithes in the hands of the laity ought to be regulated by the same principles as the right to any other species of lay property. For this purpose, they are not to be distinguished from common of pasture, estovers, rent-charges, or any other profit issuing out of land. They are in commerce, and they ought to be subject to the same rules of limitation and prescription by which other property is governed. The law has been settled otherwise. There is no statute of limitations applicable to the right to appropriate tithes; and, contrary to the general principles of jurisprudence, by the practice of the Courts, every thing has been presumed to disturb enjoyment and to stir up controversy. In a parish where the rectory is impropriate, it can be proved, that no tithes have been paid for a certain portion of land, and no claim has been made for them during two hundred years: the lay rector may have conveyed the tithes to the owner of the land. The presumption of a court of justice under these circumstances might be expected to be

that he has done so, and that the deed has been lost: this is not like the presumption of a lost grant of an easement which we have ventured to censure. Upon sound principles of reasoning, the legitimate inference from the premises is, that there was a grant by which the tithes were severed from the rectory. Though the existence of an Act of Parliament has been presumed against the Crown to protect a much shorter period of enjoyment, it has been held, that such a grant cannot be presumed from non-payment against the lay-impropriator; and that, unless evidence be given of the grant having existed, tithes must still be paid to him. Long enjoyment, which strengthens all other titles, weakens this; and here the longer that the claimant has been out of possession, he has the better chance to recover."

If the Lord Chief Justice had been in his place, he should have taken the opportunity of asking that noble and learned Lord, whether he intended to bring in a bill relating to tithes, which he was understood to have in contemplation, as there was a learned Gentleman in the other House who had a measure prepared on that subject, which he had delayed only on the supposition that the Chief Justice was about to introduce a bill relating to the subject.

Earl Grey said, that no man could be more fully convinced than he was, that great inconveniences arose from the tithe-system, and that a speedy remedy was necessary. He did not rise, however, to discuss the question, but merely to answer the question which the noble Lord was desirous to ask of the Lord Chief Justice if he had been present. That noble and learned Lord had intimated his intention to bring in a bill for the purpose to which the noble Lord alluded. As it related, in part, to Crown property, it was necessary to apply for his Majesty's consent, and as soon as that consent should have been obtained, he had no doubt that the noble and learned Lord would be prepared to introduce his measure.

The Petition to lie on the Table.

DISTRESS IN THE AGRICULTURAL DISTRICTS.] Lord Teynham rose to submit a Motion which he thought necessary from the present circumstances of the country. He was happy that order was restored, but still it was to be lamented that much distress existed. That distress was necessarily attended with many deplorable circumstances, and gave rise to

many crimes. Amongst the causes which deteriorated the condition of the peasantry, the malt and hop duties had hitherto a principal and injurious effect. The petitions which had been presented for the last two Sessions proved the general existence of the distress. In another House it was usual to print such petitions. The object of his present Motion was, to found upon the petitions presented to their Lordships, a proceeding which might lead to an alleviation of the misery which was too prevalent. He meant to move for a classification of the petitions which had been presented for the last two years, complaining of agricultural distress, stating the names of the counties or places from which such petitions came, the number of signatures which each contained, the prayer of the petition, and other particulars. He called for this classification with the view that Resolutions might be founded upon the petitions, such as the circumstances of the case required.

Earl Grey said, that this Motion appeared to him a most extraordinary one; and the mode which the noble Lord had adopted for introducing it, no less extraordinary. He admitted that the distress which prevailed deserved all the attention which could be bestowed upon it; but he was glad that the condition of the people was improving. The noble Lord had referred to a practice in the House of Commons, which he (Earl Grey) should be sorry to see adopted in their Lordships' House. It was the practice in the House of Commons to print petitions, at great inconvenience and expense to the country, and he thought that that example ought rather to be avoided than followed. He knew of no similar duty being imposed upon the Officers of the House of Commons, but he was certain that no such duty devolved upon the Clerks of that House, as to classify these petitions, to which they must devote a portion of time which would be impossible, consistently with their other duties. The noble Lord could at any time refer to these petitions, in the library of the House, or he could have them produced upon the Table for any occasion for which he required them; but this Motion, if not altogether impossible to be complied with, would at least occasion such an expense and waste of time, that he was sure their Lordships would not consent to it. He believed, that in the instance of the Catholic Relief

Bill a list was made out, by Order of the House, stating what petitions were for, and what against the measure. That was the only precedent, and it would not answer the purpose which the noble Lord had in view. He was not inclined to consent to the Motion.

Lord Teynham said, that as it appeared the Motion was attended with greater difficulty than he had supposed, he would withdraw it, and he hoped that, in calling the attention of their Lordships to the petitions, he had done all that he ought.

Motion withdrawn.

HOUSE OF COMMONS,

Monday, Feb. 28, 1831.

MINUTES.] Mr. ELLICE moved for a New Writ for the Shire of Nairn, in the room of the Hon. Geo. Campbell, who, since his election, had accepted the office of Groom of the Bedchamber.

Mr. WYNN brought up the Array Mutiny Bill, which was read a first time.

The Bankrupt Acts Amendment Bill was read a second time. On the Motion of Mr. HUNT, a Select Committee was appointed to examine the Petitions for Reform, to distinguish those which prayed for Vote by Ballot, and to report the same to the House.

Returns ordered. On the Motion of Mr. PHILLIPPS, the Customs Duty paid at Sidney Creek, within the Port of Gloucester, in the three years ended on 5th January, 1831; distinguishing each year, and the quantities and species of Goods for which the duties were paid, and whether such duties were paid for goods carried coastways, or to foreign parts; also, the total amount of the Salaries paid, and Expenses incurred, for the establishment of the Custom House at Sidney Creek, for the three years ended on 5th January, 1831; distinguishing each year, the number of Officers belonging to the establishment, and the estimated average number of hours per day, during which each Officer was actually employed in the discharge of his duty.

Petitions presented. In favour of Parliamentary Reform, by Mr. BELL, from Hexham, and other places in the County of Northumberland:—By Mr. L. HODGES, from the East Division of Kent, and from the Parish of Bethel:—By Mr. BURKE, from Exeter, and other places in Devonshire:—By Mr. WILKS, from Long Sutton:—By Lord EBRINGTON, from Newton Abbot, and from Shebbear:—By Mr. STRUTT, from the Borough of Derby:—By Mr. MILDMAY, from the Corporation of the City of Winchester:—By Mr. EGERTON, from the Town of Macclesfield:—By Sir G. GREVILLE, from the Borough of Warwick:—By Mr. WILBRAHAM, from the Town of Nantwich, in the County of Chester:—By Mr. SHAW LEFFRE, from Basingstoke:—By Mr. JONES, from the Borough and County of Caernarvon:—By Sir F. BLAKE, from Berwick-upon-Tweed:—By Sir R. PEEL, from the Royal Burgh of Banff:—By Mr. L. LEE, from Ilminster and Hindon:—By Mr. ADEANE, from Wisbeach, St. Mary, Isle of Ely, Milbourne, the Parish of Fording, and other places in the County of Cambridge:—By Mr. RUMBOLD, from Great Yarmouth:—By Sir M. W. RIDLEY, from Barnard Castle:—By Sir R. BATSON, from Londonderry:—By Mr. JONES, from Carmarthen:—By Lord ALTHORP, from the County of Pembroke:—By Mr. G. LAMB, from Melbourne:—By Mr. J. WOOD, from the City of York, and from a Society at Birmingham:—By Mr. LONG WELLESLEY, from the County of Essex:—By Mr. MAERLY, from Croydon and Abingdon:—By Mr. O'CONNELL, from Walter Honeywood Yates, Esq.:—By Sir T. ACLAND, from Plymouth:—By Mr. Alderman WOOD, from the Household of the Ward of Cripple-

gate:—By Mr. Alderman WAITMAN, from the parish of St. Dunstan, Stepney:—By Sir J. GRAHAM, from Leith, Lanark, and Monmouth:—By Mr. HUNT, from the Parish of Christchurch—also, for a Repeal of the Corn Laws; from Haslington, Lancashire; Somerton, Somersetshire; Yeovil, Somersetshire; Bury St. Edmund's; London; Ashford-in-the-Water; Thane, in Oxfordshire; Macclesfield, Cheshire; from Chorley; Oldham Road, and other places near Manchester:—By Lord NUGENT, from Aylesbury, and two other places in Buckinghamshire:—By Mr. C. GRANT, from Inverness and Peebles:—By Mr. BAINBRIDGE, from Taunton. Against Reform, by Sir R. PERL, from the Rector, Curate, Churchwardens, and others, of the parish of Micklemarsh, in the County of Southampton. The Petitioners deprecated Annual Parliaments, Universal Suffrage, and Vote by Ballot. Complaining of Distress in Ireland, and praying for Relief, by Mr. JOHN SMITH, from the Inhabitants of Erris.

MR. O'CONNELL AND THE IRISH GOVERNMENT.] Mr. O'Connell rose to present a Petition from Leighlin-bridge, for a Repeal of the Legislative Union. He would take advantage of that occasion to ask the right hon. Secretary for Ireland a question, with reference to a declaration of his on a former occasion—namely, that he (Mr. O'Connell) had, through his friends, offered to enter into a compromise with the Irish Government, with a view to averting the penal results of a then pending prosecution. But before he formally asked the right hon. Gentleman whether and on what grounds he had made this declaration, he begged leave to say, that he had authorised no person on his behalf to offer any terms of compromise, and that no such compromise was proffered to his knowledge. Some persons had told him, on the other hand, that they felt themselves authorised to say that, the Government would very gladly enter into such a compromise with him; but after the unqualified denial in that House of the right hon. Gentleman, he believed that such was not the fact. Having made this preliminary declaration, in fairness to himself and the right hon. Gentleman, he begged leave then to distinctly ask him, whether any persons had proffered such a compromise on his behalf? and if so, he asked him to state their names to the House. There could be no delicacy in disclosing their names, because, if they were accredited agents, he—on the supposition the principal—asked for publicity; and if they were not his agents, it was but common justice to hold them up as impostors.

Mr. Stanley felt no hesitation in giving the hon. Member all the information in his power. When, on a former occasion, he was asked by a noble Marquis (Chandos), whether the Irish Government had

entered into a compromise with the hon. Member, by which the prosecution against him would be abandoned, though the question came upon him somewhat by surprise, he stated—what he then most distinctly repeated—that the Irish Government had not only not entered into such a compromise themselves, but would not, and had moreover refused to hold any negotiations with those persons who had proffered such a compromise on the part of the hon. Member. He on that occasion had also stated, and then would repeat, that a letter had been laid before him by one or two friends of the hon. Member, the purport of which was, to induce the Irish Government, on certain specified grounds, to forego the prosecution pending against the hon. Member. He would then go further, and inform the House, that the document to which he alluded was in the hand-writing of the hon. Member's son-in-law, and was enclosed in a letter to Mr. Bennett, the hon. Member's professional and private friend, written by the hon. Member's own son. The purport of this letter was moreover declared to him to be dictated by the hon. Member himself, and he had reason to believe that such was the fact. Then, with respect to the individuals who had laid this letter before him, with a view, but in vain, of inducing the Irish Government to compromise the prosecution then pending against the hon. Member, he was authorised to declare their names, and they were the Earl of Glengall and Mr. Bennett. That noble Lord and Mr. Bennett, he repeated, waited on him, and laid before him a letter written, as he had before stated, by the hon. Member's son-in-law, the purport of which was declared to be dictated by the hon. Member himself, and enclosed in a note to Mr. Bennett from the hon. Member's own son, for the purpose of inducing the law authorities in Ireland to abandon the prosecution, on certain terms of compromise with the hon. Member. The answer was, that no such compromise would be for a moment entertained by the Irish Government, and that the law must take its course. And for the truth of these facts, he referred the hon. Member to Mr. Bennett and to the Earl of Glengall. He hoped he had given the hon. Member's question a most explicit answer.

Mr. *O'Connell* could not but admit that his question had been answered most

satisfactorily by the right hon. Gentleman. He was glad that the proposition of a compromise was thus traced to Mr. Bennett and the Earl of Glengall. With respect to that noble Lord's interference, all he could say was, that it was without his knowledge, for he had had no communication with Lord Glengall on the subject whatever. With respect to Mr. Bennett, the case stood thus :—That gentleman had written to him (Mr. O'Connell) from London, three letters, stating that an individual, not an actual member of the Government, was authorised by certain persons in office to make propositions of great personal advantage to himself, with a view of bringing about a compromise between him and the Irish law authorities. His answer was, that he should first hear upon what terms the Government would dictate the compromise, so far as it referred to its intentions towards Ireland; and that for himself he would not enter into any compromise. He moreover desired that Mr. Bennett should not write to him again on this point of personal compromise. Mr. Bennett's last letter was written on the 6th of January; from which day till the 5th of February he had no communication, nor even then but through his son, to whom Mr. Bennett addressed himself, stating as his reason,—“Your father having refused to listen to any compromise, I address myself to you.” On receipt of this letter, he certainly, as the right hon. Gentleman had stated, did dictate to his son-in-law the terms on which alone he would enter into a compromise, and the declaration, in his son-in-law's hand-writing, was enclosed in a letter of his son to Mr. Bennett. But what did his son say in this note to Mr. Bennett? Why “that my father has been so much deceived and deluded by the present Administration, that he will not enter into any negotiation with any of its members, till it first consents to abandon the prosecution against him without any equivocation.” And his son added, that “as it may not be exactly conformable with the dignity of the Irish Government to formally abandon the prosecution, my father will not insist on a formal abandonment.” His son then specified the terms on which alone he would consent to a compromise,—namely, first, that the prosecution should be unequivocally withdrawn, and, secondly, that the Irish Government should state what measures of relief were intended towards Ireland. He added,

that as the benefit and prosperity of Ireland was the end of all his (Mr. O'Connell's) endeavours in that House and elsewhere, and as the measure for a Repeal of the Union was regarded by him only as a means towards that end, he should consent to relinquish the agitation of that question, if the measures of the Government tended to the benefit and prosperity of Ireland. This was all the compromise proffered on his part. The hon. Member proceeded to say, that he could not deny that the Government had entered into no compromise with him with respect to the prosecutions against him—none whatever; but neither had he entered into any with the Government. He was as free as ever to advocate those political opinions which rendered him obnoxious in the eyes of the present Administration; therefore, as no compromise had originated from him, or from the Irish law authorities, he was warranted to say, that it must have sprung up between them both. Then as to the prosecution still pending against him, the matter stood thus:—There were originally thirty-one counts, in two indictments, entered against him; seventeen under common-law, charging him with “fraud, conspiracy and sedition,” and fourteen charging him with the violation of a Statute, (10th George 4th,) which empowered the Lord Lieutenant in Ireland to suppress, by proclamation, meetings tending to a breach of the peace. The former—the seventeen common-law-counts—had been, without solicitation on his part, abandoned by the Irish Government; and he was warranted to conclude, that they were so because they could not be maintained. With respect to the fourteen other counts,—to those charging him with defying a proclamation of the Lord Lieutenant,—he had demurred; and he, and seven other gentlemen, also charged with the same misdemeanour, having sworn that they had not committed the offence alleged against them, and by so doing could not plead guilty to the charge (as had been stated elsewhere) he had withdrawn his plea of demurrer; and there the matter at present rested. He would not say, that the Attorney General in Ireland might not, on the first day of next Term, mark judgment against him, but he maintained, that that judgment could not be declared against him till his Writ of Error had been argued, first before the twelve Judges in Ireland, and, if necessary, be-

fore the House of Lords here. And here he thought it right to state, that as the seven gentlemen associated with him in the indictment had acted on his suggestion as a lawyer, he, and he only, should be liable to all the legal consequences. It might be asked, why he had given up his chance of acquittal by a Jury? His answer, he little expected, after the sneers and laughter with which his declarations were usually received in that House, would receive much credit or sympathy, but as it was the truth, he would state it. It was, because he dreaded the consequences to the peace of his country by the excitement which the trial would inevitably have produced, that he waived his chance of acquittal. He knew that all business would be at a perfect stand-still in Dublin during the five or six days the trial would last;—he knew that the trades of Dublin would have escorted him with craped banners to the number of 30,000; that at least 2,000 respectable inhabitants of that city would have attended him each day to the Courts; and above all, that processions, including thousands upon thousands of an excited multitude, from all the counties adjoining Dublin, and even extending to Wicklow, Meath, Kilkenny, Roscommon, and Cavan, would have filled the streets, anxious for the result; and because, knowing all this, and devoted as he was to the political regeneration of Ireland, he would not consent that, that regeneration should be purchased even at the risk of shedding a single drop of human blood [The hon. Member was interrupted at this point of his speech by a voice from the gallery pronouncing with great emphasis of tone, “That’s a lie.” The individual who gave utterance to it was immediately taken into custody.] The hon. Member repeated that he had entered into no compromise with the Irish Government, nor had it entered into any compromise with him.

Mr. *Stanley* appealed to the House whether the statement of the hon. Member had not fully borne him out in his declaration of that and a former evening, namely, that the Irish Government would not listen to any compromise whatever with the hon. Member, and that the proposal for such a compromise emanated from the friends of the hon. Member himself. The hon. Member admitted that he had dictated certain terms of compromise to his son-in-law, and that these terms, thus

dictated by himself, and in the hand-writing of his son-in-law, were enclosed by his own son in a letter to Mr. Bennett; and he admitted, that the Irish Government, before whom he (Mr. Stanley) had informed the House, Mr. Bennett and Lord Glengall had laid these documents with a view to inducing a compromise of the prosecution pending against the hon. Member had refused to enter into any compromise whatever with him; and by these admissions had borne out his (Mr. Stanley's) statement to the letter. Whether these individuals were authorized or not by the hon. Member, or acted with or without his knowledge, was best known to himself, and affected not his (Mr. Stanley's) declaration. With regard to the prosecution, he would appeal to the House whether the hon. Member had not admitted the whole point in dispute between them. He would appeal to the House whether the fact on this point was not as he had stated it,—namely, that the indictment against the hon. and learned member for Waterford, being divided into two parts, for though it was one indictment in point of form, it was substantially two indictments, the first fourteen counts of it charged him and his confederates with having held meetings in defiance of a proclamation, to which an Act of Parliament had given all the force and sanction of law, and the last seventeen charged them with having entered into a conspiracy to hold them together. If he had misrepresented the facts of the case, and he thought that he could not be charged with misrepresenting them, even by the hon. and learned member for Waterford, he was open to correction; but he believed that both in the first fourteen and in the last sixteen counts of the indictment, the hon. and learned member for Waterford and his confederates were charged with distinct misdemeanours. The hon. and learned member for Waterford, when he was first informed that this indictment against him was in preparation, put forth the boldest declamations against it that ever came even from his lips. He said, first of all, that the proceedings of the Government were illegal—that the Law-Officers were acting wrongly—that they did not know what they were about—and that, when the Government brought its work to a conclusion, he would overwhelm it, for its ignorance, with scorn and confusion. What was the result of this his first ebullition

of folly and violence? Why, that when three-and-twenty gentlemen were empanelled as Grand Jurors, the learned Judge who addressed them, told them in terms as plain as any which the language could afford, that if they believed the facts to be such as the witnesses had sworn in their depositions, they must, in point of law, find a bill against the hon. and learned member for Waterford and his confederates. What then were the proceedings of the hon. and learned Member? He said, "I'll demur to the first fourteen counts of the indictment;" in other words, he admitted the facts which we alleged against him, and said, "Oh, you are completely wrong in law." Well, the Crown joined with him in demurrer, and then the hon. and learned Gentleman, in spite of all his legal quirks and astuteness, saw that there was good reason to withdraw his demurrer. Yes, the hon. and learned Gentleman, in spite of his contemptuous declaration, that he would teach law to the officers of the Crown,—a declaration which had as much courtesy in it as any other declaration of the hon. and learned Gentleman,—finding his case in law to be most defective, went upon another and a different tack, and endeavoured to join issue with the Crown on the facts. Before he put in his demurrer, the hon. and learned Member had threatened to overwhelm the Government with every species of scorn and railery for its undertaking the prosecution against him. That was his first proceeding; then finding himself mistaken in his law, he wished to try his fortune on his facts; and then, finding that he was no better off on the facts than on the law of the case, he withdrew his pleas, and, oh lamentable conclusion to such magnificent vauntings! suffered judgment to pass against him for a misdemeanour. This being the case, what advantage could the Crown have derived from proceeding against the hon. and learned Member and his confederates on the sixteen other counts, which charged him with a different species of misdemeanour arising out of that which was substantially the same offence? The hon. and learned Member had told the House, that he had given up nothing to the Crown, and that the Crown in return had given up nothing to him. It was true, that the Crown had given nothing up to him, and for this plain reason,—that the Crown, in obtaining judgment against him on the first fourteen counts, had gained its ob-

ject. The Government wished to avoid taking any measure which could bear the slightest appearance of personal persecution,—a mode of proceeding at all times to be deprecated, and therefore it had carefully abstained from pushing the prosecution against the hon. and learned Member and his associates any further than the point which it had already gained. The hon. and learned member for Waterford had said, that he did not expect to get much credit in that House for any assertion which he might make. With all the respect due to that hon. and learned Member, he must say, that that was a confession which he did not anticipate that hon. and learned Member would make. But when the hon. and learned Member said, that his only reason for shrinking from a trial by jury was, that he was unwilling to excite agitation in Ireland, did he expect to find any man in that House,—did he expect to find any man in the whole country, who recollect—a word of the thousand-and-one speeches which he had made at public meetings, or of the innumerable letters which he had circulated throughout Ireland, that would give him credit for a desire not to create agitation in the country? He felt that it was very difficult for him, called forward as he had been on this occasion, to enter into a discussion of the motives which impelled the hon. and learned Member to make such a declaration. He knew them not—more than that, he envied them not. He trusted that the House, if he had been betrayed into the use of any expressions which were inconsistent with its dignity or his own character,—which were not fit for him to use, or for them to hear [*cries of "No, no"*],—would make allowance for the occasion which called them forth. He was speaking under the correction of the Chair; but when the hon. and learned Gentleman was telling the House of his extraordinary anxiety that the public mind of Ireland should not be excited,—when he was proclaiming the intensity of his desire that there should be no agitation in Dublin,—when he was asserting that he was afraid of the violence of the people, whom he had himself been stimulating for years,—when he was declaring that he was fearful of the effects of his own agitation,—he could not believe that after such an exhibition, the hon. and learned Member would get credit for his assertion, that he had refused to go to a

trial before his country from a wish to allay or even to avoid agitation. He had a number of the speeches of the hon. and learned member for Waterford then with him in the House, but he could not find, that on all the occasions, or rather on any one of the occasions, on which the hon. and learned Gentleman had addressed his countrymen on the subject of the Repeal of the Union, he had treated it with that calm temperance of debate which was necessary to carry his point with the well-informed part of them, or had abstained from that indignant virulence which was certain to rouse the dangerous passions of the uninformed portion of them. Here were one or two of the passages, to which he (Mr. Stanley) was alluding, and to which he wished to call the attention of the House, because they illustrated, in a very extraordinary degree the desire which the hon. and learned Gentleman had to prevent any agitation,—any violation of the public peace in Ireland. [The hon. and learned Gentleman here read an extract from a speech of Mr. O'Connell, in Ireland, holding up to the admiration of the people of that country the endeavours of the people of Belgium and Poland to separate themselves from the sway of Holland and Russia respectively. In Ireland, he said, slavery still predominated: he hoped, however, to see the day, and that not far distant, when Ireland would be free. He looked upon her triumph as secure, because it would be bloodless.] Now, would the hon. and learned Member tell him that the example of Belgium and Poland was not, in that speech, held up to the imitation of Ireland, and that a Repeal of the Union between England and Ireland ought to be considered on the same footing as that between Belgium and Holland, or that between Poland and Russia? The hon. and learned Member then proceeded to tell his hearers—"We have surrendered our freedom—we are pitiful slaves, serfs who deserve only contempt and a blow: Irish negroes, whose very groans are the property of the English slave-owners." Were these, he would ask, the terms of calm and temperate debate? Was this the language of an individual anxious to prevent excitement? Was this the mode in which the legislative union between the two countries was to be dissolved, on the friendly footing upon which the hon. and learned Member professed his wish to dis-

solve it? He did not know what the feelings of the hon. and learned Member were; whatever they might be, he, for one, did not envy them. He could hardly believe that the hon. and learned Member was in earnest when he said, after using such language, that he was not desirous to promote excitement. As to his own conduct, as Secretary for Ireland, he should be ready to enter into an examination of it, whenever the hon. and learned Member should carry into execution the threat which he had made, of bringing it under the consideration of the House. The hon. and learned Member had threatened to call him to hold up his hand, like another Polignac, at the bar of that House, for his nefarious conduct in Ireland. The threat was, however, qualified with this provision, that he would not do this until he had a reformed Parliament. Let him wait but for a short month or two, and he would have a reformed Parliament. Then, when the hon. and learned Member had his reformed Parliament, he should be most ready to meet him before the assembled Representatives of the people, and to answer any charges which he might prefer against him. He could not, however, sit down on the present occasion without alluding to another instance of the hon. and learned Member's mode of avoiding excitement. He alluded to the extraordinary letter which the hon. and learned Gentleman had recently written to the Hurlers of Kilkenny. He called on the hon. and learned Gentleman to explain what that body is, which is known to the Constitution as the Hurlers of Kilkenny? [Here the right hon. Secretary read an extract from the letter. It was to this effect;—"When he had last addressed the Hurlers, he had advised them to desist from their proceedings, lest they should assume the appearance of tumult. He was happy to find that they had taken his advice. [Perhaps, said Mr. Stanley, there were other motives.] Now he could address them once more. Now was their time, not for meeting tumultuously, but for acting peaceably, and securing the return of his hon. friend, Colonel Butler, by constitutional agitation. Such of them as had votes should give them to Colonel Butler; such of them as had not votes, should use their influence over those who had;—in short, they ought to leave no means of constitutional agitation untried."] Who,

he would ask, formed this body of Hurlers? Did not the hon. and learned Member know that it was a body of men who had kept the country for some time in confusion? Did not he know, that it was a body whose proceedings he had denounced as illegal and dangerous to the public peace? Did he not know, that it was the same body of men who, in his strong expressions, were palsying his arms and paralysing his efforts by their misconduct? And, knowing all this, did he deem it to be a constitutional course to call on such a body to use not their votes, but their influence, in obtaining votes, for his friend Colonel Butler? He felt that he owed an apology to the House for going into this subject on the present occasion. He could assure the House that he should not have entered upon it if the hon. and learned Member had not taken credit to himself for a desire to preserve tranquillity, and to avoid excitement in Ireland. So extraordinary an assertion had led him involuntarily into a course which did not, indeed, belong to the subject in hand, but into which he had been obliged to enter, in order to show, that though the hon. and learned member for Waterford now dreaded the effect of his own system, that system had not been to keep down, but to create agitation and excitement in the bosoms of the people of Ireland.

The Petition was brought up.

The *Speaker* said,—I have to inform the House that a person is now in custody for the outrage which has just been committed.

Mr. O'Connell, in moving that this petition be read, observed, that he wished to take notice of the speech of the right hon. Secretary of Ireland, which though it was triumphant in manner, and full of assertions of self-praise, appeared to him to be destitute of any rational foundation. He called the especial attention of the House to this fact, that the right hon. Secretary had not contradicted any part of his statement about the legal arrangements. The right hon. Secretary had said, that the Government had given up nothing in giving up the indictment against him for conspiring to hold illegal meetings, inasmuch as it had gained a conviction against him upon the indictment for holding meetings in defiance of a proclamation sanctioned by act of Parliament. Did the hon. Secretary, when he made that assertion, know, that that indictment was varied by charges of fraud,

and by charges of sedition committed at meetings, and committed in speeches alleged to have been uttered with the express intent of bringing Government into contempt, and the Constitution into disregard? Had the right hon. Secretary even denied that there was moral guilt in that part of the indictment? So much for that part of the right hon. Secretary's speech. Now for another. He had never uttered a wish that there should be no agitation in Ireland. He desired that there should be agitation in England for Parliamentary Reform, in Ireland for the Repeal of the Union. If there had been no agitation on the subject of Reform in England, would not that subject still have continued to slumber in that House, with paltry minorities of fourteen or fifteen Members? It was agitation, constitutional agitation, which had produced such promising prospects of Reform in England; and it was the same species of agitation which he trusted would convince the House of the necessity of repealing the Union, and of restoring to Ireland thereby the means of maintaining its inhabitants in peace and plenty. He had been denounced in the House that day; he had been denounced in it often enough before. Other Secretaries for Ireland had taunted him with being an agitator. The echoes of their words had reached him across the waters, even when they had taunted him with greater virulence—and he did not impute virulence to the right hon. Secretary opposite—than any which had been displayed on the present occasion; and yet he had lived to see the day, when those very men had brought in, with their own hands, the very measure for which he had excited the agitation in Ireland, which they had so loudly and so indignantly condemned. But the right hon. Secretary now stood up in the House with an air of innocence, and just as if he and the Government of Ireland had not created all the agitation of which he complained. He would take that opportunity of informing the country, that oppression more gross and more tyrannical had never been exercised in any country than that which the right hon. Secretary had exercised in Ireland. The right hon. Secretary had professed his readiness to answer him upon that charge before a reformed Parliament. He took the right hon. Secretary at that pledge; and if he should ever see a reformed Parliament, which he was afraid he should not, he would, come what might of it, put the

right hon. Secretary on his defence before it. If he should have the honour of a seat in that reformed Parliament—and in such a Parliament he should think it an honour to have a seat,—he would bring under its notice the unconstitutional letter which the right hon. Secretary had written to the magistracy of Ireland. Even in the midst of all the misery by which they were surrounded, the people of Ireland had enjoyed many a long and loud laugh at the statesman-like wisdom which had dictated, and the grammatical accuracy which pervaded, that extraordinary epistle. What did the House think that that epistle called upon the magistracy to do? Nothing more than to disperse a meeting, even before it had committed any thing which could be construed into a crime. The right hon. Secretary accused him of creating excitement in Ireland. He, in return, accused the right hon. Secretary of creating it. He did not wish for that crisis which some of the Government Papers were calling for. He wished for no crisis. He knew well, that if the people of Ireland avoided all appeals to force and bloodshed, that democratic spirit, of which he had hailed with rapture the appearance in Belgium and Poland—and may to morrow's sun bring us tidings of defeat to Russian despotism! which he adored in the mountains of Switzerland,—which he trusted to see before long enlivening the green mountains of his own native land,—which had produced, or speedily would produce, Reform in England,—he knew well, he said, that that democratic spirit which had produced such glorious effects in all other parts of Europe, would produce in Ireland equal rights and equal privileges with those enjoyed in England, if the people would only take his advice. He would repeat the words “if the people would only take his advice,”—that is, if they would only agitate constitutionally, and bring forward their claims firmly, manfully, and peaceably, untarnished by crime, and unaccompanied by outrage. On this point then he stood triumphant. [*Peels of laughter for some minutes.*] “Laugh, Gentlemen, laugh,” said Mr. O'Connell, with great vehemence of tone and gesture, “but mind that your laughter be not mistaken. I say, that I stand on this point triumphant. Mark the right hon. Secretary. He has spoken, he has spoken out, he has shown no deficiency of zeal, no deficiency of spirit; and yet has he shown that in any of the many multitudes which

have met on this subject in Ireland, there has been offered any particle of violence to any one individual? Has he shown that any assault has been committed on any Magistrate, or any person in any part of Ireland? That they may have violated the law, in respect of its technicalities under the late Act, may be true; that they have been guilty of agitation, may be likewise true; but have the people of Ireland been guilty of any breach of the peace in their discussions on the Repeal of the Union? Have they been guilty of any violation of the spirit of the law? I say,—and I say boldly,—that they have not; and so saying, have I not a right to say, that on this part of the case I stand triumphant?" The hon. Gentleman then proceeded to say, that when any person came to their meetings to discuss the question of the propriety of repealing the Union, he was heard with patience—his argument was not interrupted: when it was concluded it was answered, and then the party found himself in a minority, generally of one, but sometimes of three or four. The right hon. Secretary had told the House of what he (Mr. O'Connell) had not done. He would beg leave to tell the right hon. Secretary of what he (Mr. Stanley) had done. The Marquis of Anglesey arrived in Ireland almost unnoticed. Shortly afterwards, he (Mr. O'Connell) went to Dublin. The people of Dublin thought proper to pay so humble an individual as himself a compliment on his arrival. [*a laugh.*] Gentlemen might taunt him there as they pleased; but did they think that any taunt which they could direct against him there would ever prevent him from discharging his duty to his warm-hearted countrymen? He could assure hon. Gentlemen, that they could not do him a greater kindness with his countrymen than to receive with cheers, as they generally did, any point, however slight, that was made against him, and to receive any thing which he said in reply to it with shouts, and taunts, and laughter, almost bordering on insult. Well, the Marquis of Anglesey went to Ireland. The people received him without the slightest compliment. They met him (Mr. O'Connell) otherwise. What was their return for it? A proclamation, founded on that Statute which enables a Lord Lieutenant to put an end to all discussion in Ireland,—which enables him to substitute his own will for law,—which enables him to suppress all associations,—which enables him to put

an end to all societies for improvement, all societies for education, all societies for charity,—which enables him, in a word, to say,

"Sic volo, sic jubeo, stet pro ratione voluntas."

That is a base Act of Parliament, and we are slaves who are obliged to obey it. It was an Act of Parliament, which was given us in vile disport along with the Emancipation Act, as if the House had been determined to convince the people of Ireland that it could not even confer a benefit upon them without accompanying it by an insult and an injury. Yes, it acted as if it were throwing a bone to a dog, which it detested, but which it was obliged to feed. The Lord Lieutenant issued his proclamation against the trades of Dublin, and prohibited them from meeting with their emblems and banners. What then? The trades gave up their intended meeting, and though they were much irritated, went, 100,000 of them, to his house in Merrion-square, and then separated, after cheering him, with as much decorum as any assembly,—ay, even as this House ever separates. That was the first proclamation. It was an act of despotism. The right hon. Secretary had avowed himself the adviser of a proclamation founded on a law, which all his party, when it was passed, stigmatized as a despotic law: "and if any man," said the hon. Gentleman, "had issued such a proclamation in England, I should despise you, Gentlemen of England, if you did not immediately call for its repeal. Did you submit quietly to it, I should hold you base and degenerate, and unworthy of your sturdy forefathers, who knew what was due to themselves, and were not afraid to die in maintaining it." What came next? Oh! that which convinced him that the late Administration was more benevolently disposed than the present to the people of Ireland. The late Administration issued proclamations against their associations, but did they in consequence cease to hold them? When they persisted in holding them, did the late Government come forward with prosecutions to destroy the Irish people? Oh! no; the late Government—anti-Irish, anti-Catholic as it was—did no such thing; it was reserved for the Whigs, the base, persecuting Whigs, whose professions he had been accustomed to scorn, even before he had become acquainted with their practice. But to return. After the Duke of Northumberland had suppressed by his

proclamation the first meetings which were held for the Repeal of the Union, a number of gentlemen determined to meet and discuss the subject at a public breakfast. They did so for weeks. A second proclamation was issued against them, but the breakfasts continued, and the Duke of Northumberland instituted no prosecutions. But as soon as the Whigs came into power, and the Marquis of Anglesey arrived in Ireland, he discharged another proclamation against the breakfasts. Now, he put it to the House, whether, if the question of the Repeal of the Union were to be quietly and calmly discussed, it would be better to have the discussion after dinner, when any thing that was impassioned was likely to be addressed with greater effect to excited feelings, or after tea and coffee in a morning, when the reason was cool, and the blood in a state of quiescence? To put down these breakfasts, out came an extraordinary proclamation, signed by the ex-Member for Preston, who dared to call the people of Dublin a rabble. A rabble! Would he venture to call the people of Preston by that name? Now, any one that could pay 2s. had a right to attend these breakfasts. Davy Mac Leary, who hated a papist as he hated the devil, was a constant attendant at them, and along with him came many of those men whom the former dissensions of Ireland had separated from its best friends. The breakfasts, he repeated, went on, the cause which he had at heart was flourishing, and to put it down, out came another proclamation, founded on the most despotical Act that was ever registered in a Statute-book. "You talk to me here," said Mr. O'Connell, "of the Constitution in Ireland. Where is it? You have put it down. Would you allow your Constitution to be put down here in the same way, Gentlemen of England? We are dissatisfied with its being put down among us; and then comes forward the right hon. Secretary, and taunts me with being an agitator. Yes, he taunts me with being an agitator,—he, who by his oppression has caused all the agitation of Ireland. Though the people of Ireland are slaves, they are not yet such base and abject slaves as not to resist oppression by all the means which the law allows them. The right hon. Secretary issued a proclamation, I repeat, against us, and wrote at the same time a letter to the magistracy, as illegal as a letter could be, and on which

I shall have occasion to say more on some future opportunity. In the mean time, the farmers in the county of Kilkenny, most of whom are respectable and substantial men, began to hold meetings. They took upon themselves the title of 'hurlers,' and assembled in great numbers. Two or three gentlemen, who, like myself, are opposed to such unions went to them, and prevailed upon them to disperse. Meetings for similar objects were spreading through the country—they had spread into the counties of Wexford and Carlow, and even further. I then wrote a letter to them, advising the discontinuance of such meetings. I told them that their meetings in themselves were not illegal; but that they would become illegal as soon as they were held in such numbers as would excite fear that a breach of the peace was likely to take place. I said to them, that I would not have a Repeal of the Union unless it could be effected by peaceable means, and I told them, that I would give up my advocacy of that great question, unless they gave up their meetings. How it was I know not; but this I do know, that my name was used by a gentleman who addressed the people on behalf of the Government, to prevail on them to disperse. I admit that other measures were also employed; but my name was certainly used as a means to keep the people quiet. And now one of the right hon. Secretary's accusations against me is, that I have addressed these same people in this language,—'I advised you to desist when I thought that you were going to break the law. Now that you have a constitutional meeting, at which you can agitate, I advise you who have votes, to give your votes to my friend Colonel Butler, who is a friend to Ireland, and an advocate for a Repeal of the Union, and you who have not votes, to use your influence over those who have.' Is there any thing morally wrong in asking these men to exercise their influence over their friends and relations who are in possession of votes? Sure I am, that the right hon. Secretary would not be loth or sorry to exercise his influence over any Lord who happened to be master of a number of votes in that county, to employ them all in behalf of Colonel Butler's opponent. I said to the Hurlers, "Let the expenses of Colonel Butler be paid;" and I said this, because I knew that every one of these Hurlers was able to contribute something

to defray them. Thus much in reply to the observations of the right hon. Secretary on my letter to the Hurlers of Kilkenny. The moment these meetings took place, we determined to found another association, to preserve the right of free discussion, and to put an end to all illegal associations. Before we had done any thing at this association, out came another proclamation against us. Again I repeat it, the proclamation was an act of despotism. Is not the Sedition Law in existence? Is not the Libel Law still in operation? Are not these sufficient to check our proceedings, if we act illegally? Is not the House aware, that at all our meetings two Government Reporters were always present? Did not I take care that they should always have the best places to hear or speak, and room enough to write down without interruption any thing and every thing that we said? If we were seditious, why did the Government not produce the evidence which was in its power to convict us of sedition? Why did it not recur to the ordinary law of the country, instead of recurring to this despotic act? But out came, after all this, a third proclamation, and then I am told that I excite agitation. I say to the right hon. Secretary '*De te fabula narratur.*' You, who have turned your will into law,—you who have shut the door against discussion,—you impute to me the effects of your own excitement. I shall have another opportunity of speaking upon this subject, and therefore I shall not say a word more upon it at present. The right hon. Secretary has quoted extracts from two speeches of mine. I don't know whether both are accurate; one of them indeed I know to be so? and I will, for the sake of argument, admit them both to be so. What have I said in them which any honest man can find fault with? I spoke of the slavery of Ireland. I said her people were slaves. I ask whether that country is not in a state of slavery, in which the will of one man forms the law of all? If I am mistaken in that point, then the people of Ireland are not slaves; but if I am right in it, then they are slaves, and they would be base and degraded slaves indeed if they hugged their chains in quiet, and did not sometimes dash them at their oppressors. I said in the course of one of those speeches, that I rejoiced in the success of the Belgians. I repeat that sentiment here. Fraud and force were never employed to consummate a more

heterogeneous union than that which existed between Holland and Belgium. I rejoice with my whole heart that the Poles have repudiated their forced union with Russia. I am glad, too, that in Switzerland the spirit of democracy has proved itself indomitable. But when I told the people of Ireland how I gloried in the triumphs of these different nations, I told them, that the road through which those nations had achieved them was not the road which they ought to take. I told them, that their case was different: I knew that I had a difficult task to perform, for I had to teach Government its duty to the people, and I had to teach the people how to obtain its rights from Government. I wished to restore Ireland to her proper rank among the nations of the earth. Will any man tell me that there is any other country in the world, of such exuberant fertility, in which there are so many starving individuals,—that there is any other country in the world in which there is so rich a Church, and so little relief rendered by it to the poor? I tell you, that with Ireland you have not at present a union. You do not give her either the same laws, or the same privileges, or the same advantages which you enjoy yourselves. Yes, your very laws for the two countries are not the same. You have not for England the same bankrupt laws which you have imposed on Ireland—you have not the same laws that we have for the security, either of person or of property, and, above all, you have not the same jury-law that we have. And that, by the bye, brings me to the consideration of a point, a most important point, indeed, in my case against the Government, which I had almost forgotten. The right hon. Secretary had a Jury struck against me and my confederates, as he is pleased to call my friends, by the deputy clerk of the Crown, who took the first hundred names which stood in the book. In that number were twenty four Aldermen, twenty-three sheriffs, several Peers, one Admiral, and other persons of that description. One of the persons whom the Crown Solicitor struck off the panel was Mr. Alderman M'Kennie. Any person who knows any thing of Ireland knows well the character of that gentleman. Another person who was struck off by the Crown Solicitor was Mr. Arthur Guinness, the Governor of the Bank of Ireland. Both these persons differed from me

on the question of the Repeal of the Union, but they were men of known integrity and impartiality. Would that have been done in England? No, for there the Jury would have been drawn by ballot. And here, again, I have to declare, that the late Administration, anti-Irish and anti-Catholic as it has been represented, was more kindly disposed to Ireland than the present. Had they remained in office, we too in Ireland should have had the advantage of forming our juries by ballot. I speak on that point advisedly, for I was consulted professionally as to the details of the measure." The hon. Member then proceeded to say, that he had now followed the right hon. Secretary through every point of his speech. The hon. Secretary had, however, omitted to notice any of the questions which he (Mr. O'Connell) had originally put to him. Had he stated a single case of violence done either to person or property by the anti-Unionists? There had been some violence of talk, but the people of Ireland, slaves though they were, were not yet gagged; and all that their enemies could charge against them at present was, that they had spoken. Oppressed as they were, they were struggling peaceably and constitutionally for their right to free and open discussion, and to the same constitutional liberty as the people of England enjoyed. He might not succeed in getting it for them; but he knew that he was in the situation of those who in former times had struggled for the liberties of their country, and his heart told him, and its decision was confirmed by the approbation of his countrymen, that he had struggled sincerely, and honestly, and earnestly, and he still hoped successfully, in that cause which he had deep in his heart—the cause of the people of Ireland. He yet trusted that their cause would finally triumph.

Lord Althorp said, he thought that no man who had read the speeches of the hon. and learned member for Waterford could doubt, that they were calculated to excite sedition. He did not know whether he was to attribute it to the hon. and learned Member's skill in legal subtleties, or to the hon. and learned Member's custom in his profession of looking only to the letter of Acts of Parliament; but whether it was to these, or to something else, that the fact was to be attributed, still the hon. and learned Member's speech

had put beyond doubt the fact that he thought, that if he could break the letter of the law with impunity, he could succeed in persuading that House and the country that it was not his object to produce tumult and confusion by a violation of the law. The hon. and learned Member had said, that the agitation in Ireland had been caused by the Government proclamations. Now, did the hon. and learned Member mean to assert, that there was no agitation before those proclamations issued? He had always thought that the hon. and learned Member had made it his boast and his pride, that he was the author of that agitation. It was, as the hon. and learned Member well knew, to put down meetings called for the express and avowed purpose of increasing agitation, that the proclamations had been issued. What then could the hon. and learned Gentleman mean by saying that the proclamations had caused the agitation? Let him entreat the House to consider in what a condition the Government in Ireland would have found itself if these meetings had been allowed. The hon. and learned Member might call those meetings breakfasts, or he might call them any thing else he pleased, but every man of common sense and common honesty knew well enough, that to call the meetings by such titles was a mere evasion,—a shift, to effect that under one name which had been forbidden by the law under another. The breakfasts, or the meetings, let them be called as the hon. and learned Member pleased,—were means by which it was endeavoured to evade and violate the law. It would be unnecessary for him to go into the details of this case. His right hon. friend (Mr. Stanley) had put it, with all the circumstances connected with it, fairly before the House, and all the reply which the hon. and learned member for Waterford had been able to make was, that his right hon. friend had not pointed out one single act of outrage committed at these meetings. But was it within the bounds of faith,—not to say of credulity—to believe, that if such meetings had not been suppressed, and if the hon. and learned Member had been allowed to pursue such conduct, and to make such speeches, any other consequences could have resulted except outrage and sedition? The hon. and learned Gentleman had told them, that the "Hurlers" were a respectable body of men; and yet the hon.

and learned Member had acknowledged in the same breath, that they were persons who went about the country to procure a reduction of tithes, and to commit other unlawful acts. If such conduct as the hon. and learned Member had attributed to the "Hurlers" were not illegal, he should be glad to know what the hon. and learned Member called illegal. And yet these were the persons whom the hon. and learned Member exhorted to use their influence at an election! Did the hon. and learned Member suppose that any one could mistake what was meant by the "influence" of such men? "Influence" here meant "force;" it meant intimidation, and nothing else; nor could any one attach any other meaning to the word; for of what influence, but the influence of force, were the "Hurlers" possessed? But he felt that he was unnecessarily trespassing upon the time of the House. The House had heard the case; they had heard the hon. and learned Member's defence; and he left it to the House and the country to judge whether the language and the conduct of the hon. and learned Member had been calculated to prevent sedition and outrage in Ireland.

The Petition was read: on the question that it be printed,

O'Gorman Mahon said, that he had one or two observations to make upon this subject, and assured the House that they should be but one or two. He could not, however, remain silent, conceiving the matter to be of great importance. Every portion of this Debate would be looked to with the greatest interest by the people of Ireland. He would not go through the details of the case on either side. It appeared, however, that a negotiation had been entered into; but although many hon. Members had come down in the hope of learning by whom that negotiation had been commenced, the House was still in the dark upon the point. All that they knew was, that certain persons, professing that they were authorized by the Government, had proposed an arrangement with the hon. and learned member for Waterford; but the Government denied that they had given such authority to any one. In fact, both parties seemed alike anxious to deny having commenced the negotiation. The hon. and learned member for Waterford, too, had said, that when he withdrew his plea to certain counts, the Government declined prose-

cuting on the others, but that there had been no compromise on either side; and that the thing sprung up suddenly. The whole transaction reminded him of an absurd scene in an old play, where Adam was brought upon the stage in boots and spurs, for the purpose of being created. Then again it appeared, that the charge to which the hon. and learned Member had pleaded "Not Guilty," which plea he had withdrawn, was merely a charge of having committed a breach of a certain statute, not a charge of moral guilt, and that the penalty of the offence was three months' imprisonment. With regard to what had fallen from the noble Lord (Althorp), he must say, that the noble Lord's reasoning had surprised him much. The noble Lord had inferred, that because the meetings were peaceable while they were held, they would have produced outrage and sedition if they had not been put down. He could not understand this reasoning. He admitted to the noble Lord that the meetings were evasions of the law; but if ever an evasion of the law were justifiable, this evasion was. It was an unjust and tyrannical law, and it was evaded by the people of Ireland, between whom and this country there was no real union, either of interests, or sympathies, or good laws. He could not help saying, that this cry of sedition against the meetings in Ireland came with a very bad grace from the noble Lord, who had said not long ago, that he saw no harm in a tri-coloured flag; that he was glad the tri-coloured flag had been reared; and he hoped it would prosper. He repeated, that to call these meetings seditious,—meetings at which there was no flag at all, much less a tri-coloured flag,—was in very bad taste on the part of the noble Lord. They might as well say, that because there was a mace upon the Table, some hon. Member might seize upon it, and use it for the purposes of assault upon others. He had heard with great dissatisfaction what had been said about abandoning the question of the Repeal of the Union. The Union had been effected by bad, vicious, and unconstitutional means: it had been carried against the consent of the people, and against the opinion of many of the most eminent men in the British Parliament; and it had brought upon a happy and contented people innumerable mischiefs. That the people of Ireland had set their hearts upon

a Repeal of the Union, was a fact as indisputable as that hon. Members were sitting in that House. Thousands had met in Ireland to carry the Repeal of the Union; thousands would still meet for the same purpose; and so far from blaming the hon. and learned member for Waterford, for having agitated that question, it was his greatest pride and boast that his name also was linked with the agitation of it. As long as he lived he would never cease agitating the question.

Mr. *Stanley* would not detain the House one moment. He merely rose for the purpose of setting the hon. member for Clare right as to a matter of fact. The hon. member for Clare had said, that the hon. and learned member for Waterford had only withdrawn his plea to an indictment for an offence which subjected him to three months' imprisonment. Now this was not the fact.

Mr. *O'Connell*. — No, no; the hon. member for Clare is quite mistaken.

Mr. *S. Rice* would not prolong the discussion for many minutes. He was bound to believe the hon. member for Clare, and the, hon. and learned member for Waterford to be sincere in their opinions which they had expressed upon the Repeal of the Union; and if they were sincere in those opinions, no doubt they had a right to the expression of them. What, however, he entreated of those hon. Members was, that if they were sincere, they would not content themselves with incidental discussions like the present, but come forward manfully to such a regular discussion of it, as, he must say, notwithstanding their sincerity, they had hitherto appeared to shrink from. He would not yield to either of those hon. Members in devotion to Ireland. He trusted, that during the many years he had served her, he had never shown lukewarmness when her interests were to be advanced. And if he could persuade himself that the measure for which those hon. Members clamoured so loudly would be advantageous to Ireland, he would agitate the question with the best agitator of them all. Let him entreat the hon. Members to take the opinion of the House and of the country fairly upon the question. Let them do this for the benefit of the people of Ireland. The hon. member for Clare had said, that the people of Ireland were happy before the Union. He, however, had read the history of his country very differently.

Before the Union, Ireland had a most imperfect sketch of a Constitution,—which governed by corruption, and which had led to bloodshed,—but there had been no happiness in it—at least, none that he had ever been able to discover. Let the hon. Member, however, bring the subject fairly before the House, and then this point also might be settled. He must say—and he spoke the sentiments of many besides his own—that to flinch from a fair trial of the question bespoke want of truth and justice in the cause. It was complained, that the Government would not allow this question to be discussed at meetings in Ireland; but if the hon. Members wished to discuss it fairly, had they not an opportunity of doing so, where the Government could not prevent them? Was not the Imperial Parliament a better arena for the discussion of such a question than a room in a tavern or the hustings? And were not the Members of the Imperial Parliament a better audience than the Hurlers of the county of Kilkenny? Let him entreat the hon. Members to fix the day—to bring their forces into the field, and to fight the battle fairly. Let this be done—let such a debate be opened,—and he had no doubt that every rational man would come out of it with the conviction that the continuation of the Union was essential to the happiness both of Ireland and of England; and that the Repeal of the Union implied misery, ruin, bloodshed, separation, and the establishment of a republic of the worst and vilest character. In conclusion, let him once more call upon the hon. Members to prove their sincerity, by coming forward to a discussion of this question.

The Petition to be printed.

EVESHAM DISFRANCHISEMENT BILL.]

The Marquis of *Chandos* rose to postpone the second reading of this Bill till Monday next. If he had understood the noble Lord (Althorp) rightly the other night, the noble Lord had promised to give way to him in order, that this measure, which was one of the greatest importance, might be brought on at an early hour. He trusted that the noble Lord would make good his promise on Monday next.

Lord *Althorp* said, that the noble Lord was quite mistaken with regard to what had fallen from him the other night. He could not concur with the noble Lord in thinking that this was a measure of very

great importance; and he could not promise that the state of the public business would enable him to give the noble Lord precedence.

The Marquis of *Chandos* said, that he had put off this Bill the other night at the noble Lord's request, until this day. He had now his witnesses in town, and he must say, that he thought he was very hardly dealt with. However, he now gave notice, that he would certainly bring on the second reading of the Bill on Monday next, no matter at how late an hour it might come to his turn to move it. He would put it off no longer.

Motion agreed to.

PRESENTATION OF PETITIONS.] On Sir J. Graham moving that the Order of the Day for receiving the Report of the Committee of Supply be read,

Mr. *Littleton* observed, that there were yet many petitions on the subject of Parliamentary Reform to be presented, notwithstanding the kindness of the Speaker in sitting on Saturday. Now, consistently with the course which had been pursued on similar occasions, he supposed that the House would receive these petitions before the subject of Reform was introduced by the Ministers. The noble Lord (J. Russell) was to bring forward the measure of Reform to-morrow, and he rose now for the purpose of reminding hon. Members of the difficulty of getting the Petitions received in time.

Mr. *Benett* had a petition to present from the county of Wilts, and, therefore, urged the propriety of receiving such petitions to-night.

Colonel *Davies* observed, that there were no less than twenty-seven Orders of the Day, and thirteen Motions on the paper,—and he put it to hon. Members, whether they would stop the public business by devoting the night to the reception of petitions.

Mr. *Benett* was surprised at this objection from such a quarter. He had some petitions to present, one of which he held in his hand, and he should move, as an Amendment to the Motion of the right hon. Baronet (Sir J. Graham), "That this Petition be brought up."

Mr. *John Wood* rose to second the Amendment. It was well known, that this morning's post had brought numbers of petitions on this subject, which ought to be presented. He came down to the

House at a quarter to ten o'clock, but finding that there were already thirty names on the Speaker's list, he had declined to put his down.

An hon. Member gave notice, that he should take an early opportunity of moving that a Committee be appointed to receive petitions, since, without some such arrangement, it would be quite impossible to get through the public business.

Mr. *Littleton* thought it highly improper, that petitions on such a subject should be received except in a full House.

Mr. *Calcraft* considered the subject of Reform the most important that could occupy the House and the country at present. He thought it inexpedient for the House to hear the statement which was proposed to be made to-morrow, of the intentions of his Majesty's Ministers on that important question, before it should have heard the prayers of the people on the same subject. If the petitions should be deferred until to-morrow, their presentation would occupy so much time, that the motion of the noble Lord could not conveniently be brought on. Should even discussions arise upon them that night, so that all could not be presented, the few that might remain would not take up so much time, as to interfere with the noble Lord's important motion. He thought the House ought to deviate on that occasion from its ordinary rules.

Lord *John Russell* agreed with the hon. member for Wareham, that it was expedient that all the petitions on the subject of Reform should be presented before the measure of Reform, contemplated by his Majesty's Ministers, was submitted to the House. He wished that there should be a proper understanding as to the hour in which his motion would be brought forward, and, therefore, he took that opportunity of mentioning, that he should propose it at six o'clock.

General *Gascoyne* must infer, from what had been said upon the other side of the House, that the noble Lord anticipated the rejection of his Bill to-morrow night. As regarded the petitions, he would recommend that the same mode should be adopted for their reception as had been adopted respecting the petitions on the Catholic Question. Before he sat down, he wished to call the attention of the House to what he had heard respecting a person who had been guilty of extremely disorderly conduct in the Gallery,

which seemed to have been passed by entirely without notice. It did not become the dignity of the House to allow the member for Waterford to be insulted with impunity. He (General Gascoyne) had had the honour of sitting in that House for nearly thirty years, and in all that time he had never witnessed so insulting a breach of its privileges [*cries of "Move, move!"*]. It was not for him to make any motion on the subject. It was the duty of the noble Lord, the Chancellor of the Exchequer, to take the opinion of the House upon the Breach of Privilege as soon as it was communicated to him. As the noble Lord had not done so, he (General Gascoyne) would take the sense of the House upon the subject, as he saw no reason that it should so much depart from the usual course on such occasions, as to allow so gross an insult to pass without notice.

The *Speaker* said, it is always important that I should set an hon. Member right when I perceive him to be in error. On this occasion it is the more necessary that I should set the hon. and gallant Member right, as, if there has been any error in the omission of which he complains, the fault must be attributed to me more than to any one else. When I made the communication to the House, that the person who had violated its privileges was in custody, the noble Lord (the Chancellor of the Exchequer) came to me, and inquired whether it was the proper course to bring the individual to the bar? I thought it more becoming the dignity of the House, that, whilst its business was going on, the offending person should be kept in custody; and that, after the House had gone through its own business, then the individual in custody should be brought to the Bar, to be dealt with as the House may think proper. The hon. and gallant Member must be aware, that a person being in custody by the order of the House cannot be liberated until he shall have received its judgment.

General *Gascoyne* explained, that having heard nothing further than that the insult had been committed, and had been communicated to the House, he thought it his duty to call attention to it.

Sir *R. Peel* said, that when there was before the House so much important business, it was to be regretted that two or three hours should be lost in unnecessary discussions. As he understood the noble

Lord to say, that the public business would not be seriously impeded by the presentation of the petitions on Reform, he (Sir *R. Peel*) did not think that any inconvenient precedent could be established by their being received. It would be inconvenient to all parties, that those petitions should be presented before the motion of the noble Lord to-morrow night, as their reception would put back the motion till a late hour. It was, at the same time, desirable to all parties, that the motion should not be brought forward, before the petitions on the subject had been heard. He would, therefore, give his voice in favour of their being presented immediately. For his own part, he was quite disinterested in the matter, as he had but two petitions to present, and of these, one was in favour of Reform, and the other against it.

Mr. *Hunt* said, he had several petitions to present on the subject of Parliamentary Reform; but as he did not expect that they would have been received until after the conclusion of the business, he had left them at home. If the House resolved to receive the petitions, however, he must go after those he had to present. He was sure the public was more anxious with respect to this subject than any other proceeding the House could be employed in, and he was therefore anxious that the petitions should be received that night.

Mr. *W. Duncombe* said, that as it appeared to be the general wish of the House that the Reform petitions should be received, he hoped those hon. Members who had given notice of motions would consent to withdraw them. He trusted if those petitions were received, however, that Members presenting them would confine themselves to the subject of Reform. In conclusion, he wished to ask the noble Lord, if the Reform petitions were not received, what public business he would propose to go on with?

Lord *Althorp* replied, that his right hon. friend (Sir *James Graham*) would move, that the Resolution of the Committee of Supply on the Navy Estimates should be brought up. In accordance with what appeared to be the general wish of the House, however, he thought it was better to continue receiving the Reform petitions.

Sir *Robert Peel* hoped, that it would be understood that the rule was relaxed only as regarded Reform Petitions; and that no others would be brought up.

It was then moved and carried, that the Petition be brought up. Mr. Benett accordingly brought up the Petition, which was from Wiltshire, praying for Reform and Vote by Ballot.

PARLIAMENTARY REFORM.] Mr. *Littleton* said, he had several Petitions to present from Staffordshire, and four of those petitions came from places the inhabitants of which prayed that they might have the elective franchise extended to them, and the right of returning Members to represent them in Parliament. Those petitions were signed by Whigs and Tories, poor and rich, and by persons of all classes and conditions. The first of those petitions was from the township of Bilston, in the parish of Wolverhampton. There were 50,000 inhabitants in the parish, and 16,000 in the township. The next petition was from the town of Dudley, containing a population of 25,000. It was nominally situated in the county of Worcester, but was imbedded in Staffordshire. The fourth of those petitions was from the town and warren of Walsall, containing 15,000 inhabitants. It was not wonderful that the inhabitants of the south-west part of the county of Stafford, containing a population of 150,000, or 200,000, should be anxious for Representatives, for there was no borough situated in that part of the county, and those persons could be said to have no other Representatives than the county Members. Another of the petitions which he had to present came from the Staffordshire Potteries, situated in the northern part of the county, and connected with which there was a population of 65,000. The last petition he had to present was from Burton-upon-Trent, and it was in favour of general Reform. The county of Stafford, he considered, had a fair claim to an increased number of Representatives. It contained 400,000 inhabitants, and, setting aside the metropolitan counties, it ranked as the third, so far as regarded commercial and manufacturing skill, and employments connected with machinery. With the exception of the Members for Tamworth, and the county members, this great county had no Representatives. The hon. Member concluded by observing, that he stated these facts for general information, and should reserve himself on the general question till the measure of his Majesty's Ministers was brought for-

ward. The hon. Member concluded by presenting the petitions.

Sir *J. Wrottesley* expressed his entire concurrence in the prayer of the petitions, and also in the observations which had fallen from his hon. Colleague in presenting them.—Petitions to be printed.

PRIVILEGES OF THE HOUSE.] Lord *Althorp* said, that the time was then come when it would be proper to advert to an occurrence of the early part of the evening. He had not thought it proper to make any suggestion during the progress of public business, conceiving it better that the proceedings of the House should not be interrupted. But as the House had then gone through its business, it was time to take some notice of what had passed. The person who had committed the offence was in the custody of the officers of the House; and he meant to propose, if that were the opinion of the House, that he should be called to the bar, reprimanded and discharged. The insult to the House had been so gross, that he could hardly conceive that the person who committed it was in his right senses. That he should be reprimanded, however, would be necessary to the dignity of the House, and that was the proposition he should submit to consideration. The noble Lord concluded by moving that—*Jacobs* should be called to the bar of the House, reprimanded and discharged.

An hon. Member wished that it might be ascertained by what means that individual had entered the House.

Motion agreed to, and the person brought to the bar.

The *Speaker*: What is your name?—*Alexander Jacob* was the answer.

The *Speaker*: Have you anything to state to the House as an apology for your misconduct?

Alexander Jacob demanded that that justice which every British subject had a right to expect should be done to him. He could assure the Speaker and the honourable Members, that he was brought to the House by his business, and in coming there he was not guided by any improper motive, nor did he contemplate doing anything that was prejudicial to his country. He thought he had a right to enter the Gallery as an individual, and he conceived that the hon. Member could not expect that he should remain silent and—

[*order!*]

The *Speaker*: I wish to warn you, that you may not increase your offence by pursuing such a course as that you have now entered upon.—

Alexander Jacob had seriously considered the course he had to pursue, and did not need any warning to make him serious. He was proceeding to make some further observations on the language of the hon. member for Waterford, when

The *Speaker* again called him to order. Alexander Jacob meant to apologise, but if he were out of order in explaining—

The *Speaker* told him, he was not brought to the bar to justify his conduct. If he had any apology to offer to the House he might make it.

Alexander Jacob wished to apologise for his conduct, and humbly begged pardon for what he had done.

The *Speaker* told him to withdraw.

Lord *Althorp* said, that Mr. Jacob had made something like an apology, but that apology was not satisfactory. It was not sufficient to justify the course he had at first proposed. He must be called on to make a more humble apology before the House could consent to discharge him. He would therefore move, that Alexander Jacob, for his offence to that House, should be committed to Newgate, and that Mr. *Speaker* do issue his warrant accordingly.

Mr. *O'Connell* trusted he might be pardoned for interposing in the case. He was aware that the insult had not been offered to him individually, but to the House, and for that Mr. Jacob had readily asked pardon. He thought that there was something in his manner, though whether it was accidental or not he did not know, which, perhaps, made his conduct rather his misfortune than his fault. He seemed to labour under some influence, either temporary of the day or permanent, which entitled him to the pity of the House. Was what the individual had been guilty of unexampled? Had it never occurred before? He hoped that mercy would be shown in this case as had been shown in others, which would not violate the dignity of the House. There was in the man a strange obliquity of intellect to make him guilty of such an outrage. Whether the obliquity were permanent or occasional, it would merit forgiveness. He had expressed his contrition—he had asked pardon—and what

more abject could he perform? By that, he submitted, the dignity of the House was sufficiently vindicated, and there was no occasion to inflict a higher punishment than the reprimand at first proposed. He would therefore move, as an Amendment on the noble Lord's Motion, that Alexander Jacob be brought to the bar, be reprimanded, and discharged.

Mr. Alderman Waithman seconded the Amendment.

Sir *Robert Peel* rose to support the proposition of the noble Lord. He could conceive the feelings which animated the hon. and learned Gentleman if the offence were personal, but the offence was against the privileges of the House. If there was that obliquity of intellect suggested by the hon. and learned Gentleman, which might be suspected, and which would wipe out the offence, it was at least proper that the House should have time to inquire into that. He did not wish to look at what was stated at the bar as any aggravation of the offence, but the individual had stated, that he was connected with some mercantile transactions, and that they brought him to the House. That did not betray any obliquity of intellect. If there was a cause of a temporary nature for that obliquity, he could not admit that as an excuse. There was a necessity to vindicate the rights and privileges of that House, and teach those who came to the House intoxicated—for that was the temporary obliquity the hon. Member referred to—that the House would never admit that as an excuse. There was some danger that the offence might be frequently committed; for that was not the first time that the privileges of the House had been violated: Within the last two years, he had seen papers thrown from the Gallery into the House concerning the subject under discussion at the moment. Then the House had adopted the same course proposed by the noble Lord; it had not been contented with an apology, and had placed the individual in custody till next day, when his apology was accepted. He considered that course proper on this occasion, and he hoped the House would not be contented by merely reprimanding the individual. He hoped that it would adopt the proposition of the noble Lord, and defer the discussion till another day.

An hon. Member, who spoke before, wished it to be ascertained by what

means the individual had obtained access to the House.

Mr. C. W. Wynn entirely concurred with his right hon. friend, and thought the offence was unfit to be passed over. If the House passed it over, it would seem as if it were inviting a repetition of the offence.

Lord Althorp said, considering the facility that was then afforded to violating the Orders of the House, it seemed to him necessary, if they intended to preserve freedom in their debates, not to pass over the case. The hon. and learned Gentleman properly defended the man, as he was the person more immediately offended, but he must see, that to vindicate the dignity of the House, it was necessary that some further punishment should be inflicted.

The Amendment negatived without a division, and the original Motion carried *nem. con.* The Speaker was ordered to issue his warrant to commit Alexander Jacob to Newgate.

SUPPLY — INSPECTOR-GENERAL OF MARINES.] On the Motion of Sir James Graham, the Report of the Committee of Supply was brought up.

On the Motion that it be read a second time,

Mr. Hume rose to state, that some misunderstanding existed as to the observations of the right hon. Baronet on a former evening relative to Sir James Cockburn. The right hon. Baronet then stated, that this Gentleman, as Paymaster of Marines, had both civil and military duties to perform—that his civil duties ceased, and his military duties continued. He was informed that this was not correct; that Sir James Cockburn had never performed any military duties whatever. He never had inspected the Marines, or been present at any parade for the purpose of inspecting them—the Inspector of Marines was, therefore, a new appointment. He hoped that the right hon. Baronet would state what were the military duties of Sir James Cockburn. The Marine Corps, he believed, from what had come to his knowledge, felt most deeply the appointment of this gentleman. He hoped the right hon. Baronet would not persevere in throwing a stigma on the Marine Corps, than which none was less deserving of it.

Sir James Graham said, it was true that

he had, on a former occasion, stated that Sir James Cockburn had discharged both civil and military duties. His civil duties had ceased when the office of Paymaster was abolished, but he was also Inspector of Marines. Since he held the office of Paymaster, he had only the rank of Major; but he had inspected the barracks of the Marines—he had inspected their accoutrements—he had inspected their clothing—and he had never visited an outpost that he had not attended a parade. He knew, too, that Sir James Cockburn possessed, in a great degree, the confidence of his (Sir James Graham's) predecessor, and that noble Lord relied on Sir James's reports for his knowledge of the discipline of the corps. That noble Lord had also had many opportunities of knowing Sir James Cockburn's merit. When it was necessary to put an end to the office of Paymaster, it became a question how the Adjutant-general's duties should be discharged? He understood that something which had fallen from him before had given offence to that gallant officer, which, as he meant it not, he much regretted. What he said was, that the present Adjutant-general was, from age and infirmities, inadequate to the discharge of the accumulated duties which he would have to perform in fulfilling his own and those of the Paymaster. Entertaining that opinion, he thought it was necessary to superannuate that officer. He had the highest opinion of General Campbell, whose public services he prized very much, and it was only on account of his great age that he was not capable of discharging his duties. As it was necessary to superannuate the Adjutant-general, the question he had to consider was, which was the cheapest and best arrangement he could make? He had stated on a former evening, that his Majesty had been pleased to give Sir James Cockburn the rank of Major-general; and as he was thus restored to his military rank, the best arrangement that could be made was, to appoint him Inspector-general of Marines, that he might discharge the duties of the Adjutant-general and the military duties he had discharged as Paymaster. He still retained the opinion, that with a view to the discipline of the corps, this was the best arrangement which could be made. His hon. friend stated, that this arrangement cast a stigma on a corps which he readily admitted was

a most useful and gallant body of men. Where all were brave it was invidious to distinguish; but certainly the Marines were amongst the bravest of the brave, and had ever been distinguished for their gallantry and their faithfulness. He was, however, disposed to persevere in his appointment, unless the sense of the House should be against him, as it was his deliberate opinion, that the appointment of Major-general Cockburn was advisable. The deputy Adjutant-general had, heretofore, been selected from the corps, and he proposed that that office should be preserved for the Marine officers. By that means he thought he might get rid of the difficulty. He had never had any acquaintance with Sir James Cockburn till he had accepted office; but he was bound to say, that since he had known him, he was induced to believe that it would conduce to the good of the service to make Sir James Cockburn Inspector-general of Marines. If the arrangement which he proposed was satisfactory, he should think that he had done what was due to the Marine corps, and what was due to economy.

EXCLUSION OF WARRANT (NAVAL) OFFICERS FROM COURT.] Mr. *Hume* wished now to call the attention of the right hon. Baronet to a subject which had given great pain, and he would say offence, to a large body of meritorious officers in the Navy. He meant that regulation by which warrant officers in the Navy were not allowed to appear at his Majesty's levees. In this class were included Surgeons, Masters, and Pursers; but he confined himself at present to the first named. He had always been of opinion, that it was of great importance to the naval service to raise the character of surgeons employed in that branch of our national force. They were now a much superior body of men, in point of qualifications, to what they were formerly; yet, let a man be ever so well qualified as a surgeon, he was excluded from appearing at Court at levees. This he thought an extremely unfair distinction, for the surgeons of the Navy ought to be placed on terms of equality with surgeons in the Army.

Sir *J. Graham* did not dispute the right of the House of Commons to discuss any subject it might think proper; but certainly that which the hon. Member had now introduced was the last, in his opi-

nion, which it ought to take up. It was one which properly belonged to the consideration of the Lord Chamberlain. If it were the object to prevent levees from being too crowded, he did not know where the line could be better drawn, with respect to the Navy, than between officers who held commissions and those who did not. He deprecated the use of the word stigma, as applying to any portion of the service, when nothing of the kind could be intended.

Mr. *Hume* said, there was an inconsistency in the regulation, for a man who was excluded one day as a naval Surgeon, and his name was struck off the list, might be presented at Court the next day, and a case of the kind had actually occurred.

Sir *J. Graham* said, that in that case the party would have to send his card a few days previously to the Lord Chamberlain, and he would exercise his discretion with respect to his admission.

Colonel *Davies*, referring to the previous subject of discussion, deprecated the promotion of an officer of the Army over the heads of so many most deserving officers of Marines.

Lord *Hotham* regretted, that the manner in which the right hon. Baronet had treated the subject was not calculated to remove the pain created by what he considered an undue preference of one branch of the service to another. If the officer who was superannuated was now too old for any increase in his duties, was it not too much to say, in effect, that there was no other officer in the Marines qualified to fill his place? It was quite unfair to that most deserving corps that they should be deprived of the only office of distinction within their reach. No set of men in the public service had been distinguished more than the Marines, and they ought not, after hard duty in every part of the world, to be deprived of their fair chance of promotion.

HALF-PAY IN CIVIL OFFICES.] Mr. *Robert Gordon* rose to ask his right hon. friend, the first Lord of the Admiralty, on what ground it was, that the Lords of the Admiralty were permitted to hold their half-pay at the moment they were receiving salaries as members of the Board? In the Army, a regulation prohibited any person holding a civil situation and receiving half-pay at the same time. He should be glad to know why this regulation

did not apply to the Navy; and if it did not, why the lower grades—such as half-pay Captains and Lieutenants—were not permitted to obtain the same advantage? He also wished to know whether the salary of the Secretary of the Admiralty was or was not independent of his half-pay?

Sir *James Graham*, in reply, said, that the peculiar circumstances under which an officer of the army could retain his half-pay, together with the salary of a civil officer, were regulated by an express Act of Parliament; but the Navy was now, and always had been, placed on a different footing. In that service it was customary for his Majesty to regulate, by an Order in Council, the officers which were or were not to hold their half-pay with a civil allowance; and he (Sir *James Graham*) had thought it his duty to recommend the four Lords of the Admiralty as entitled to that indulgence. While, however, he considered that the Lords of the Admiralty were entitled to this exception, from the peculiar nature of their duties, and the smallness of their remuneration, he had, at the same time, thought, that the salary of the Secretary of the Admiralty was sufficient without such an allowance; and the House would see, from the estimates laid on the Table, that his Majesty's Government had also reduced that salary from 3,000*l.* to 2,500*l.* The salary of a Lord of the Admiralty was 1,000*l.* a year. If a Vice-admiral, his half-pay would be about 700*l.* Now the House would at once see the hardship which a rigid adherence to the rule would inflict, when they found that a Vice-admiral might, as a Lord of the Admiralty, be compelled to attend seven hours a day for ten months in the year; and, after all, if his half-pay was taken away, the reward for the additional service would be only 300*l.* a year. With regard to the half-pay of Lieutenants and Captains, he could only say, that as each exception depended on its own particular merits, if any officer thought himself aggrieved by losing his half-pay when he accepted a civil situation, he could memorialize the Admiralty; and his case, if it was found deserving attention, would be laid before the Council.

Sir *George Clerk* expressed himself happy to hear that this question of allowing the Lords of the Admiralty to hold their half-pay with their salary, which was so much agitated last year, had met with the concurrence of those who were then disposed to think it inexpedient.

Sir *George Warrender* had always been of opinion, that it was bad policy to under-pay public servants, and he was glad to find that his opinions were acknowledged by the gentlemen now in power.

Sir *Henry Hardinge* said, that the principle of taking away the half-pay of an officer, when he accepted a civil situation, would, if carried into effect, be productive of great hardship both in the Army and the Navy. An hon. friend of his, the late Surveyor-general of the Ordnance, and who possessed a regiment, bestowed on him for long and tried service, would, under such circumstances, have been very hardly treated had he been compelled to resign it on accepting office.

Mr. *Hunt* thought, although hon. Members were so unanimous on the subject of officers receiving those double allowances, that their opinions would be different if they had to pay for their generosity in the shape of a Property-tax, and that they would then join with the present tax-payers in voting them unnecessary. What he rose for, however, was to ask the right hon. Baronet, whether there was any truth in the report that the hon. Captain Grey was appointed to the command of a frigate, called the *Actæon*, several months before she was off the stocks? He begged also to ask, if this was a customary practice in the Navy.

Sir *James Graham* repeated what he stated before, that the appointment of Captain Grey to the *Actæon* was made by Lord Melville in the month of November last, and before the present Government came into office. The *Actæon* was a vessel built in pursuance of the plans of Sir Robert Seppings, and he believed that Captain Grey was appointed to her at the express desire of Sir Robert Seppings, who wished this talented and deserving young officer to have the command of her; and that Lord Melville complied with that wish, from a desire to give a proof of his friendship for the noble Earl, the father of Captain Grey. Appointments of this kind were, he believed, by no means unprecedented.

Sir *George Cockburn* thought it right to say, that the service was frequently benefitted, rather than injured, by appointments of this description, which furnished great facilities for the collection of the crew. The *Actæon*, he believed, was now ready for sea, although three months had not elapsed since the appointment took place.

The Report read a second time and Resolutions agreed to, and leave given to bring in a Bill in conformity with the Resolutions.

EXCISE ACTS—PRINTED CALICOES.] Lord *Althorp*, in moving that the House go into a Committee on the Excise Acts, said, his object in doing so thus early was to state definitively what the Government intended to propose with respect to the duty on Printed Calicoes. He adopted this course in order to put an end to the suspense which prevailed in the trade with respect to the amount of the duty to be taken, and the time drawbacks were to be allowed. Great objections had, he admitted, been taken to the original proposition; but after repeated discussions, and much consideration of all the bearings of the question, he was happy to say, that an arrangement had been come to with the gentlemen engaged in the trade, which he hoped would prove satisfactory. He admitted freely that the tax on printed calicoes was an impolitic one; but he thought the tax on raw cotton a good deal less so than one on the manufactured article, although he conceived it to be the duty of any Finance Minister of this country to get rid of it as soon as the circumstances of the country would allow him. The mode of taking the duty on raw cotton at present was by a charge of six per cent *ad valorem*. Now, he proposed to take the duty off printed calicoes, and lay a duty of five-eighths of a penny per pound on raw cotton. He had originally proposed a duty of one penny; but, in compliance with the wishes of the trade, he now consented to throw off three-eighths from that proposition. This duty was, however, not to be levied on Colonial cotton, which he left unaltered. He had paused a good deal with respect to the question of drawback on the stock on hand, but after the best consideration he had been able to give the subject, he had come to the conclusion, that the only way to do justice to the public, and at the same time to preserve the interests of the Government, was to take the duty off printed calicoes immediately, and allow the drawback for three months. He knew well that some loss would be sustained by the manufacturers, but it was impossible to avoid it. They heard every day that the taking off a tax was not always attended with the lowering of the price of an article,

and as the price was not expected, therefore, to fall immediately, the loss would not be so great as some persons apprehended.

Mr. *Goulburn* did not rise to object to the noble Lord's proposition, but as it was stated by the noble Lord, when he brought forward the Budget, that the loss from the repeal of the tax on printed calicoes would amount to 500,000*l.*, and that he would be unable to make good that loss without a duty of one penny per lb. on raw cotton, he wished to know, now that the noble Lord had reduced that duty to five-eighths of a penny, how the sum was to be made up, when even the increased tax on colonial cotton was also to be deducted from the anticipated amount? He did not object to the arrangement of the noble Lord; but when he saw how very small a surplus of revenue was provided for the year, he certainly felt anxious to know how the deficiency produced by this change, which he took to be 250,000*l.*, was to be made good. It was true, that there were two hundred millions of pounds weight of cotton imported, and that the duty on that would be 500,000*l.*, but then, by the duty of six per cent to be repealed, there would be a loss of 250,000*l.* With respect to the system of drawbacks, he knew it was extremely difficult to deal with it; but he confessed he saw much to object to in the plan of allowing the drawback for three months on the export of calicoes already printed. At the present moment, the law allowed an unlimited period for the export of printed calicoes, but if the drawback was to be allowed for three months, no longer than three months, he thought it would be very easy for persons engaged in the trade to print calicoes, and obtain the drawback, in the same manner as if it had been printed before the alteration. He did not, in fact, understand at present how frauds on the revenue were to be prevented.

Mr. Alderman *Waithman* was not opposed to the slight increase of duty on the raw material, but he objected to the term of three months for claiming the drawbacks. The necessities of the trade required six months, and he thought that the wishes of men in business should be attended to. There was another point, however, relative to the stock on hand, which he thought worthy of attention. He knew from the best authority, that the quantity of printed calicoes

in England at the present moment was equal to the whole of one year's home consumption, and therefore, if the duty was taken off, without making them any allowance, he might fairly calculate the loss of the holders of these calicoes at 500,000*l*. It was, indeed, plain, that if a large quantity of goods were thrown upon the market without paying any duty, that there must be a loss equal to that duty, on all the goods on hand which had paid it. But it was not the calico printers, nor the merchants who would suffer most; the retail dealers were the persons who would be most affected. He knew, indeed, twenty-two persons engaged in the country trade, whose stocks amounted to 160,000*l*., and whose loss would amount to 38,000*l*. by taking off the duty. It might happen, that some of these individuals were not in prosperous circumstances, and a loss which the most opulent could ill bear, would ruin them. Such parties were well entitled to compensation. Why should any man in a small way of business lose 30*l*., 40*l*., 50*l*., or 60*l*., by a change in the measures of the Government? One of its own servants, who was to suffer such a loss by a change beneficial to the whole people, would demand a compensation, and he would find advocates in that House to talk of his vested rights. These retail traders were already exposed to heavy losses: by the changes in the seasons, and by public mournings they had suffered very severely; by the change in the currency the prices of all their goods had fallen after they had bought them, and thus, therefore, this was not the time when the retail trader could bear additional losses. He had occasion lately to inquire into the state of trade, in consequence of a motion with respect to the Assessed Taxes, and he found that in one, the most leading street in the Metropolis—he need not name it—there were 300 houses, and yet there had been 178 failures in the course of five years. He entreated the noble Lord to review his decision with respect to the drawbacks.

Mr. *A. Campbell* was enabled to say, on the part of the calico-printers of Glasgow, that if sufficient time were allowed for the drawback duty on the stock on hand, the noble Lord's measure would be beneficial to the trade: but if sufficient time were not thus allowed, serious injury to many in the trade would be the consequence.

Mr. *Wilson Patten* hoped that the

noble Lord would come to some definite final arrangement with respect to the duty, as, at present, the trade was at a standstill, and would be so till Ministers had decided one way or another.

Lord *Stanley* was glad that he was enabled—having attended several deputations of the Manchester cotton manufacturers which waited on the noble Lord, the Chancellor of the Exchequer—to say, that, as a whole, the noble Lord's measure was satisfactory to himself and his constituents. The abolition of the duty on printed calicoes they received as a great boon, and he had communications in writing from the trade, to say, that they regarded the whole measure with approbation, though they wished the noble Lord could have dispensed with the additional tax. He trusted, however, that five-eighths of a penny duty on raw cotton would be only a temporary tax, to be wholly dispensed with when the revenue was more flourishing.

Sir *R. Peel* should have much preferred a duty on the printed calicoes to the noble Lord's tax on the raw material, even though the tax were to be but a temporary one, because the encouragement just now bestowed in France and America, on the manufacture of cotton, should make us very wary as to the imposition of any new impediments in the way of our own domestic manufactures of that article. This was not, however, the point to which he then wished to particularly direct the attention of the House, with reference to the noble Lord's proposed reduction and substitution of duty. The noble Lord had not informed them how he meant to make good the deficiency which would accrue to the revenue from his change from an *ad valorem* duty of six per cent on the manufactured article, to a duty of five-eighths of a penny on the raw cotton. That loss would be, as he should presently show, not less than 250,000*l*.; and when this sum was added to the defalcation which would ensue from the repeal of the duties on coals and candles, there would remain a total loss to the revenue of 1,200,000*l*., which he knew not how the noble Lord could compensate. Then, let them consider how his proposed drawback duty would also affect the revenue. That drawback was to be in force three months,—that is to say, that though the five-eighths of a penny duty on raw cotton was nominally to commence from the present day, the revenue would be at a certain loss for three months, without any

counterbalancing advantage. Now, that the amount of this loss would be very considerable was evident from the sum paid as drawback allowance last year. The *ad valorem* duty last year amounted to 1,942,000*l.*; the drawback allowance on exports to 1,390,000*l.*; leaving a clear nett revenue of 552,000*l.* Supposing, then, that exports of printed calicoes for the ensuing three months, during which the drawback allowance was to be in force, would be only one-fourth of the amount of last year, it was plain they would be much more, inasmuch as the drawback for a limited period must operate as a stimulus to the exports during that period. There would be an actual loss to the revenue this year of 347,500*l.* Again he must say, he knew not how the noble Lord proposed to make good the deficiency from the revenue which his measure would occasion.

Lord Althorp begged leave to say, in answer to the hon. Alderman (Waithman) opposite, that he did not extend the period for allowing the drawback beyond three months, because on inquiry he learned, that that time would be sufficient for disposing of the stock of printed calicoes now on hand. With respect to the observations of the right hon. Baronet who had just addressed the House, all he had to say was, that he was not unaware that his drawback allowance would occasion a certain temporary loss to the revenue; but, besides that the loss would be but temporary, he was sure it would be much less than the right hon. Baronet estimated. To extend the period of the allowance would be, *pro tanto*, equivalent to a repeal of the tax altogether,—a repeal which the revenue could not at present admit of. He therefore felt himself bound to have it in force but for a short definite period, hoping, that though at the outset the revenue would be a loser, it would ultimately be considerably a gainer from the increased consumption of manufactured cottons. But, the right hon. Baronet asked, how are we to make good the loss in this year to the revenue from the change? In answer, he must remind the right hon. Baronet, that when he submitted his financial statements, some ten or twelve days ago, to the House, he laid down the probable loss to the revenue from his reductions at the highest possible rate,—that is, he estimated it from the consumption of last year, without at all taking credit for the

increased consumption, and thence increased revenue, consequent upon a reduced duty on the articles he proposed for reduction. Now, if the probable amount of increased consumption of printed calicoes, consequent upon a reduced duty, were taken into account, it would be seen, that the right hon. Baronet had much over-rated the loss which the revenue would experience, even this year, from his proposed measure, while the revenue must, in the face of the matter, be a gainer henceforward. Then it must also be recollected, that when stating the losses to the revenue which his relief to the general consumer of the articles, the duty on which he proposed to reduce would occasion, he took credit for a new revenue of 1,200,000*l.* from a one-half per cent transfer tax; and that, having abandoned that, he felt himself compelled to relinquish his intended reduction of duty on tobacco and glass, from which reduction there would have ensued a loss to the revenue of 1,400,000*l.*, that is, 200,000*l.* more than his transfer duty would have furnished him. Then, with respect to the cotton duty now under consideration, he maintained, that the rated duty on the raw article would be much more productive to the revenue than the *ad valorem* duty for which he substituted it; besides that, the cost of collection would be saved; and he, therefore, was warranted to take credit for this increase, the rather, as he was confident that the right hon. Baronet's estimate of loss from the drawback during three months would be found in the sequel to be much too high. He was aware, however, that he ran a slight hazard from his proposed reduction, but he trusted that if the House would go with him the whole length of his plan, it would be found, that while the revenue would be the gainer ultimately, the general comfort and prosperity of all classes would be essentially promoted.

Mr. Goulburn could not see what advantage could accrue from a rated duty which the present *ad valorem* one did not possess. It could not be one of certainty, for nothing was easier to estimate than the *ad valorem* amount on the 214,000,000*lb.* of cotton which this country annually imported, exclusive of the produce of our East India colonies.

Mr. Alderman Thompson regretted very much that the noble Lord had not allowed a drawback on the export of the manufactured cottons on hand, with an

option to the holder to pay half the duty should he retain his stock for home consumption. As the noble Lord had not consented to the propositions of the London dealers, he was sorry to say, that he could not express the same satisfaction with the measure, as the member for Lancashire. He had no objection to offer to the principle of the five-eighths of a penny duty on the raw article.

Mr. *P. Thomson* begged leave to remind the right hon. Baronet (Sir R. Peel) opposite, that when he talked of the necessity of our guarding against the consequences to our domestic cotton manufactures, which the anxiety of the French to encourage such a manufacture would point out, that there was a tax of $1\frac{1}{4}d.$ on all raw cotton entering France, which, when we took into account our superiority in machinery, fuel, &c., would be found much more than proportionate to his noble friend's five-eighths of a penny duty. He was more apprehensive of the United States than of France, particularly as to coarse cottons, but he did not think that even the Americans would injure us. Then as to the assertion of the right hon. member for Armagh (Mr. Goulburn), that the *ad valorem* duty must be as productive as the proposed rated duty, it was sufficient to say, that the *ad valorem* duty was but six per cent—that is, three-eighths of a penny per pound, while the rated duty would be five-eighths of a penny on the same amount of imports, not to say anything of the 30,000*l.* a-year that would be saved by the collection of the latter form of duty. The right hon. Member assumed also, that the quantity of East-India cotton imported was greater than it actually was. He calculated on an addition to the revenue from an increased consumption of cotton which last year was 238,000,000*lbs.* A considerable sum also would be saved by saving the drawbacks on soap and starch. Taking into account all circumstances, he did not think that the loss to the revenue would exceed 130,000*l.*

Mr. *Whitmore* was happy to hear it admitted, that this tax was one which ought to be removed whenever the improvement of the revenue would permit. At the same time he regretted that the noble Lord should find it necessary to propose an additional duty on the raw material, which he for one would not assent to, but in the hope that it would only be temporary.

The House then went into Committee.

Lord *Althorp* proposed a Resolution, that the duties of Excise now payable on Printed Calicoes, &c., and the drawback on the exportation thereof, do cease and determine. It was not usual to state the time when they would determine in the present stage of the measure. It was usually fixed in the Bill.

Mr. *Hume* rejoiced in the course now taken on the subject by the noble Lord opposite, and did not participate in the fears of those who apprehended a great defalcation of the revenue. He was sure that the duty on raw cotton would be only temporary. He thought that the manner in which the stock in hand was to be treated, was a very great hardship on the holders, and he hoped the noble Lord would find means of giving them relief before the Bill passed. He concurred, however, on the whole, in approbation of the measure then in progress.

Mr. *Bernal* wished that that noble Lord would grant a drawback or allowance to the retail dealers for their stocks on hand; otherwise, many of those persons, who could ill afford it, would suffer great losses, and might be ruined. In his opinion, the Chancellor of the Exchequer would not surrender one iota of the manliness of his character, if he had yielded to the representations made to him on this subject.

Mr. *J. Wood* rejoiced that the duty had been taken off the printed calicoes, and regretted that any duty had been laid on the raw article. The merchants were inclined to feel satisfied with this tax, because they understood that it was to be only temporary. Like other hon. Members, however, he must regret that an allowance was not made for the stock in hand. By not doing that, some persons would lose 5,000*l.* or 10,000*l.*, which was a fortune.

Mr. Alderman *Waithman* mentioned several houses which would suffer materially from not having the drawback allowed on the stock in hand. He hoped that the noble Lord would do something to assist them. He wished to know whether the noble Lord had made up his mind to adhere to his present proposition.

Lord *Althorp* said, that on the best consideration, he was determined to stand by that which he had already proposed, namely, to allow a drawback for three months on goods printed for exportation since January, 1830. He believed that

goods made for the home market might be exported to save the loss, and he was sure that if he made any allowance for the stock in hand, he should open the door to an immense deal of fraud.

Mr. *Robinson* concurred in the proposition of the noble Lord, and stated, that he thought it would be wise, in order to prevent clamour, if the House would lay down some certain rule as to allowing drawbacks when duties were remitted.

Mr. *Goulburn* suggested, that as there was no duty whatever on printed cottons in Ireland, the dealers of Manchester would be induced to ship their goods to an immense amount at Liverpool, and so transport them, by means of steam-boats, to Dublin, on the chance of a sale in the sister kingdom during the three months which would elapse before the allowance of a drawback was to be discontinued, or bring them back to dispose of in the English market. The parties would gain the drawback, which would cover their expenses, and allow them a handsome profit. He had always thought this duty on printed cottons highly objectionable; but the question was, what other duty would they find more eligible to substitute? and that question he candidly confessed, it was not in his power to answer. He wished to know when the remission of the duty was to commence?

Lord *Althorp* replied immediately.

Mr. *Spring Rice* supported the Resolutions, on the ground that a permanent grievance was worse than a temporary inconvenience, which would be amply counterbalanced by the benefit that would hereafter accrue from the policy of Government.

Lord *Althorp* admitted, that some inconveniences would result from the change, but not to the extent supposed by the right hon. Gentleman. He took that opportunity to state, that it was not his intention to abandon the Timber Duties with their proposed alterations; on the contrary, he would bring the subject before the House on Friday, if there should be time after the discussion of the Colonial Trade Bill, already appointed for that day.

Resolutions agreed to, and the House resumed.

TAX ON STEAM VESSELS.] Mr. *B. Hoy* moved, that there be laid before the House a return of the number of steam-vessels

employed between the Isle of Wight and the coast of Hampshire, during the last year. The number of steam-boats employed there was very great, and to make the tax equal, it ought to be laid on sailing-vessels, as well as steam-boats. Between the Isle of Wight and Southampton, 50,000 persons passed annually. He believed that the tax would be a serious impediment to that traffic, and though he did not mean vexatiously to oppose the Motion, he did hope that the noble Lord would give up the tax.

Mr. *H. Hughes* seconded the Motion.

An hon. Member inquired if any Gentleman connected with the Government could inform him whether the Chancellor of the Exchequer intended to lay his proposed tax upon the steam-vessels or upon the passengers?

Mr. *S. Rice* said, that the Chancellor of the Exchequer did not intend that the tax should be imposed upon the passengers. The Chancellor of the Exchequer would take an early opportunity of detailing the plan by which he proposed to levy the tax on steam-navigation.

Motion agreed to.

HOUSE OF LORDS,

Tuesday, March 1, 1831.

MINUTES.] Petitions presented. For the Abolition of Slavery, by the Bishop of LITCHFIELD and COVENTRY, from Coventry and other places in his Diocese. By the Duke of NORTHUMBERLAND, from certain Roman Catholics of the County of Galway, for the extension of the Elective Franchise to the Catholics, in the same manner as to the Protestants. By LORD WHARNCLIFFE, for the Repeal of the Duty on Coals from Newcastle, and from South Shields. For Parliamentary Reform, by the Duke of GORDON, from Banff, Scotland; also from Bristol, praying that Ballot and Universal Suffrage might be rejected from any plan of Reform that might be brought forward:—By LORD KING, from Farmers and Landowners in certain Parishes in Sussex, and for a Commutation of Tithes:—By the Earl of SHAFTESBURY, from Warwick:—By the LORD CHANCELLOR, from Manchester, and from Salford, which might be considered as forming a part of Manchester: the former signed by 12,000, and the latter by 2,000; from the Merchants and Manufacturers of Halifax, in Yorkshire, signed by 6,670 persons; from Eland; from Wakefield; and from Harlington, Lincolnshire:—By the Earl of RADNOR, from Basingstoke, Lymington, Cork, and Headcorn:—By the Earl of CARLISLE, from Beverley. Against the General Register Bill, by LORD MELBORNE, from Stradbally and Ballylaneen; for an alteration in the disposal of the Grants for Education (Ireland); and for a Revision of the Poor-Laws, from Sherington.

CHANCERY REFORM.] The Lord Chancellor moved, that the order for the committal of the Lunatic Bill be discharged. The Bill was not yet ready for having the blanks filled up, but it would be ready by to-morrow. He did not mean

to steal a march on his noble and learned friend (Wynford); but would, as he had before intimated, re-commit the bill on Monday, that their Lordships might have an opportunity of discussing the principle. He wished to take this opportunity of advert- ing to the calculation made the other night by the noble and learned Chief Baron, as to the diminution from the emoluments of the Lord Chancellor, by the Reform Bills. He had examined into the subject further, and he was only the more convinced, that his own calculation was correct, and that of the noble and learned Chief Baron wrong. He had stated the diminution at 7,500*l.* while the noble and learned Chief Baron estimated it at 2,500*l.* But that noble and learned person had done so by an error in fact, and an error in arithmetic. He had proceeded on the assumption, that the fees of the country Commissioners were not to be abolished. That was an error in fact, for they were included in the fees to be abolished. There was a fee of 6*l.* to the Lord Chancellor on the certificate, and of all other absurdities this was the most gross. What was a certificate? It was a discharge granted by the creditors, and certified by the Lord Chancellor, so as to make it an answer to all actions at law, &c., and it proceeded on the recital that the bankrupt had complied with all the legal requisites—that is, that he had given up every farthing he had in the world; and then the Lord Chancellor said, “I certify that you have given up all you had in the world, and now pay me 6*l.*” This was to the last degree absurd, and it was one of those abuses that was to be and ought to be put an end to. The other error of the noble and learned Chief Baron was one of arithmetic. The real fact was this. The gross amount of the Lord Chancellor’s emoluments was 17,000*l.* Out of this, 2,500*l.* was paid to the Vice-chancellor, leaving 14,500*l.* From this sum, 7,500*l.* was taken by these reforms, leaving for the Lord Chancellor only 7,000*l.*, as he had before stated. He also took the opportunity of rectifying a mistake which had, as he understood, arisen in some quarters, as if he had said that 7,000*l.* a year was quite sufficient income for the Lord Chancellor. He considered this as no great compliment to his generosity or common sense, whatever it might be to his wealth. That a man who was

in a situation in which he would be forced to spend 10,000*l.* a year, whether he would or not, should make up the deficiency of 3,000*l.* out of his own private fortune was scarcely to be expected from one whose fortune was not ample? and that, too, for the pleasure of hearing and deciding causes, and other hard labour. The pleasure, however exquisite it might be, would be thus purchased too dear. A complaint had been made in some quarters too, that he had, in his speech the other night, said more than was necessary as to the fees in the Masters’ Office. But it was not optional with him whether to make the statements or not, for he had disclosed nothing but what he had been obliged to disclose before. Applications had been made to him to be examined before a Committee of the House of Commons. Their Lordships gave him leave to go, and he did go, and there he was obliged to state every particular respecting the Masters’ Office, which he had stated in his speech, and in greater detail than in his speech. It was there, on the Minutes of that Committee, ready to be printed, so that it was quite useless for him to deprive his general argument of the advantage afforded by the statement, when that statement had been before openly made. But, to show the inconsistencies of the objections made to the disclosures in his speech, he had to inform their Lordships, that in other quarters he had been blamed for screening the Masters’ Office, and not being so open in his communications as he ought to have been. The charges were unfounded both in the one way and in the other. It was true that one individual among the Masters had refused to take certain fees, but it was quite impossible for one man to effect a thorough Reform, unless supported by the head of the department and the general law of the country.

Lord Wynford was extremely happy to hear that the noble and learned Lord meant to diminish the expense of bankruptcy proceedings. It was a reform which was much called for. He was not aware of the particulars of his noble and learned friend’s plan, but he hoped the matter would be placed on a proper footing, by a permanent law, and that the examinations should be taken in the ordinary way, by a Judge. It would, he thought, be a great improvement if the Judge were to have a discre-

tionary power, to decide whether or not the certificate should be granted, even although the creditors should agree to it, as this would prevent many frauds.

The *Lord Chancellor* said, that he would be glad to avail himself of his noble and learned friend's great experience, in making the Bankruptcy Bill as perfect as possible. He felt the weight of what his noble and learned friend had said, and very likely, in the course of his experience, he had known many instances of what were called white-washing Commissioners.

Lord *Ellenborough* observed, that as the noble and learned Chief Baron had been in office a considerable time longer than the noble and learned Lord who now sat on the Woolsack, it was probable that he was much better acquainted with the sources of the emoluments of the office than the present Lord Chancellor, and more accurate in his calculations.

The *Lord Chancellor* said, that he had since examined the matter, and was satisfied that he was in the right, and he intended to call for the account and lay it on the Table. It was merely a matter of arithmetic.

Lord *Ellenborough* replied, that it appeared, then, that the noble and learned Lord had paid more attention to his fees and sources of emolument during the three months he had been in office than the noble and learned Chief Baron had paid to them during the three and a half years in which he had held the Great Seal.

The *Lord Chancellor*: My Lords, if I had looked narrowly and anxiously into the subject of my fees and sources of emolument for the purpose of increasing them, then I might have deserved the sarcasm in which the noble Lord has been pleased to indulge respecting me. If I had stood out obstinately against legal Reform, merely on account of the diminution in fees which I should suffer on account of these Reforms; if I had opposed the most important improvements on account of the pecuniary loss which would thereby fall on myself, and had refused to surrender anything without ample compensation, then I must have been prepared to bear such a sarcasm with an equal mind, and must have expected to be told, that I had looked more narrowly and anxiously into the sources of my emolument than my predecessor had done. But when I have

looked into them, not for the purpose of increasing them, but for the purpose of giving much of them up for the good of the public, and when I have done so readily and at once, the first moment that the opportunity was afforded, flinging myself, or rather, flinging the office upon the discretion of Parliament, as to the amount of income which a person holding that office ought to enjoy; when I have done all this, and sacrificed patronage to such a great extent, it is a little too much to be tauntingly told by any man, however celebrated he may be for his judicial disinterestedness and magnanimous disregard of fees, that I have been more remarkable than others in looking narrowly and sharply into the sources of my emoluments.

Lord *Ellenborough* denied, that he had meant to throw out a sarcasm; but the noble and learned Lord had, in his speech, adverted to the subject of compensation for the emoluments which he gave up. He was unwilling to say anything as to himself; but if the noble and learned Lord, or any one else, would bring the subject of the fees of the office held by him before their Lordships, he was ready to meet him. The emoluments which he derived from that office were the covenanted remuneration for the services rendered to the public by his father as Lord Chief Justice and to these emoluments he had as good a title as any noble Lord in that House had to the estates which he derived from his ancestors.

The Earl of *Radnor* observed, that the noble Lord had spoken in such a way, that he had understood his words as being designed to be sarcastic; but whether they were meant to be sarcastic or not, they were extremely ill-timed and ill-applied. His noble and learned Friend on the Woolsack, had been driven to the investigation by the observations of the noble and learned Chief Baron, and it was highly proper that he should set the matter in its proper light and on its proper footing. When his noble and learned Friend had made that speech, which had been heard within these walls and read out of doors with so much admiration and delight—he spoke of the sources of the Lord Chancellor's emoluments from the information of others; but when the accuracy of his statement was questioned, what was more natural, and more proper, than that he should make further inquiries into the

subject? Indeed, they had scarcely done their duty to his noble and learned friend, for he had not been at all complimented as he deserved for his really magnanimous disinterestedness, and total disregard of his own private concerns and personal comfort in comparison with the interests of the public. The House had broken up rather abruptly, otherwise he had intended to discharge that duty if no other had done so. Certain it was, that in whatever estimation his noble and learned friend's conduct was held in that House, it was regarded out of doors with that admiration which such truly generous, patriotic, and disinterested conduct deserved! On the public, both in town and in the country, the conduct of his noble and learned friend had made its due impression, and was duly estimated.

Lord *Ellenborough* repeated, that he did not mean to speak sarcastically.

The Marquis of *Londonderry* highly approved of the noble and learned Lord's Reforms, especially in the manner of taking evidence in Courts of Equity. He himself had been extremely harassed, when he was concerned in a Chancery case, with affidavits, and had been exposed to a great deal of delay, vexation, and expense, which he might have avoided if the examination had been *viva voce*. He thought the noble and disinterested conduct of the noble and learned Lord was worthy of all praise.

The Earl of *Winchelsea* agreed that the noble and learned Lord ought to have been complimented for his admirable and eloquent speech, and for his generous and disinterested conduct. Any taunting remark about the noble and learned Lord's looking narrowly into his fees, came with an ill grace from the noble Lord, whose fees of office, as he was informed, equalled the emoluments of the Lord Chancellor of England. The noble Lord had said, that he had as good a title to his fees as any of their Lordships had to the estates which descended to them from their ancestors; but then he ought to consider, that their Lordships had made sacrifices to the public out of these estates, to the amount of thirty-five or forty per cent, and supposing that the noble Lord had as good a title to his fees as they had to their estates, he ought to imitate their conduct, and sacrifice something to the public in these distressed times. Nothing could be more unbecoming than to make

sarcastic remarks, under such circumstances on the conduct of the noble and learned Lord, who had so liberally and disinterestedly sacrificed so much of his emoluments and patronage for the public advantage; and he had no doubt but that conduct was duly appreciated, and regarded with the proper feelings of respect by the great majority of their Lordships and the public.

Lord *Ellenborough* observed, that the account given of his emoluments by the noble Earl was completely erroneous.

HOUSE OF COMMONS.

Tuesday, March 1, 1831.

MINUTES.] P. C. CROMPTON, Esq. took the Oaths and his Seat for Saltsash.

Bills. The Marine Mutiny Bill was read a first time. The Army Mutiny Bill was read a second time. The Consolidated Fund Bill, the Transfer of Aids Bill, and the Pensions Duties Bill, were read a third time and passed.

Petitions presented. By General PHIPPS, from the Ship-owners of Scarborough, against Foreign Competition. By Mr. ABERCROMBY, from Alloa, against any alteration in the Timber Duties. In favour of Reform, by Mr. TYNTE, from Bridgewater:—By Mr. D. W. HARVEY, from Colechester:—By Lord ALTHORP, from Blackburn, Lancashire. By Mr. Alderman WOOD, from the Bakers of London, for prohibiting the importation of foreign baked Bread and Bisquit. By Mr. O'CONNELL, from Alexander Jacob, expressing contrition, and praying to be liberated. By Mr. BRISCOE, from the Parish of St. Mary, Barnes, against the New Police; from the Farmers of Godalming and its neighbourhood, for the Repeal of the Malt Duties; and from Clergymen and others, at Guildford, praying for a General Fast.

RIGHT OF MEMBERS TO SEATS.] An hon. Member rose to ask the Speaker a question, which was, whether a Member who had put up his name upon the back of a particular seat, was absolutely entitled to that seat, or whether it might be occupied by any Member who came in and found the seat vacant?

The Speaker said: in answer to the question of the hon. Member, I can only state, that it has always been the custom, by courtesy, to allow Members who were present when prayers were said, to retain the seats they had then occupied until they were displaced by a division. The House will pardon me taking advantage of the opportunity to make one remark upon a most unusual occurrence. When I came down to the House this afternoon it was remarkably full, but after prayers had been said, and before the ballots were made, the papers on the backs of the seats were more numerous than the Members in them.

MINISTERIAL PLAN OF PARLIAMENTARY REFORM.] Lord *John Russell* then rose and spoke to the following effect:—

Mr. Speaker:—I rise, Sir, with feelings of deep anxiety and interest, to bring forward a question, which, unparalleled as it is in importance, is likewise unparalleled in difficulty, without my apprehension in the least degree being removed by the reflection that I have, on former occasions, brought this question before the consideration of the House; for if, on the other occasions, I have called the attention of the House of Commons to this subject, it has been upon my own responsibility—unaided by any one—involving no one in the failure of the attempt—though often completely gratified by partial success. But, Sir, the measure I have now to bring forward, is a measure, not of mine, but of the Government, in whose name I appear—the deliberate measure of a whole Cabinet, unanimous upon this subject, and resolved to place their measure before this House, in redemption of their pledge to their Sovereign, the Parliament, and to their country. It is, therefore, with great anxiety that I venture to explain their intentions to the House upon a subject, the interest of which is shewn by the crowded audience assembled here, but still more by the deep interest that is felt by millions out of this House, who look with anxiety—who look with hope—who look with expectation, to the result of this day's deliberations. Sir, I am sure it is not necessary that I should say any more, to do away a notion which an hon. and learned Member opposite endeavoured to spread—that this question, not being brought forward by a member of the Cabinet, is not a measure of the King's Ministers. I am sure that even he must be convinced that what I am going to propose emanates from the Government. But although I cannot pretend to be the author of this measure, neither can I say that I have been kept in ignorance of its nature. The measure itself—after the noble Lord who is at the head of his Majesty's Government had formed it in his own mind, and communicated it to his colleagues—was communicated to me; and I have ever since been consulting, either individually or collectively, with the members of the Cabinet on the subject. Sir, I regret that the noble Lord at the head of his Majesty's Government cannot, by the law and usage

of Parliament, be permitted to explain his measure to this House, in his own clear and intelligible language; but as that is impossible, I trust that the House will favour me with its indulgence, while I endeavour to lay before it the details of this measure—I am afraid very inadequately—but with sincere and earnest wishes for its ultimate success. Sir, much cavil has been raised upon expressions of the noble Lord whom I have mentioned, that he would endeavour to frame such a measure as might satisfy the public mind, without at the same time endangering the settled institutions of the country. “Do you mean,” it has been asked on one hand, “by the settled institutions of the country the close and rotten boroughs?” I think we shall shew in the course of the explanation we are about to make, that it is not the close and rotten boroughs that were intended by the settled institutions of the country. On the other hand, it is said by another party, “can you pretend to satisfy the public mind without endangering the settled institutions of the country? If you attempt to satisfy the public mind, you must shake the public institutions.” Sir, we are of opinion, that the very reverse of this will take place; to attempt to satisfy the public mind will not endanger the settled institutions of the country; but not to satisfy that, will endanger them. We are of opinion, that these institutions, resting as they ever have done on the confidence and love of Englishmen, must continue to rest on the same foundation: and while we discard the notion of complying with violent and extravagant remarks, we at the same time wish to place such a measure before the House, that every reasonable man, both in this House and in the country, may be satisfied with it. We wish to place ourselves between the two hostile parties. Neither agreeing with the bigotry of the one, that no Reform is necessary, nor agreeing with the fanaticism of the other, that only some particular kind of Reform can by any means be satisfactory to the people; we place ourselves between the two, and fix ourselves on what is, I hope, firm and steadfast ground, between the abuses we wish to amend, and the convulsions we hope to avert. It will not be necessary, on this occasion, that I should go over the arguments which have been so often urged in favour of Parliamentary Reform: but it is due to the question, that I should state

shortly the chief points of the general argument on which the reformers rest their claim. Looking at the question, then, as a question of right, the ancient Statutes of Edward 1st contain the germ and vital principle of our political constitution. The 25th of Edward 1st, ch. 6, declares, in the name of the King, that "for no business from henceforth we should take such manner of aids, tasks, nor prizes, but by the common assent of the realm, and for the common profit thereof, saving the ancient aids and prizes due and accustomed." The 34th Edward 1st, commonly called the Statute de Tallagio Concedendo, provides, "that no tallage or aid shall be taken or levied, by us or our heirs, in our realm, without the good will and assent of archbishops, bishops, earls, barons, knights, burgesses, and other freemen of the land." Although some historical doubts have been thrown upon the authenticity of this statute, its validity in point of law is asserted in the Petition of Rights, was allowed by the Judges in the case of Hampden, and is, in fact, the foundation of the Constitution, as it has existed since the days of the Stuarts. To revert again, for a moment, to ancient times; the consent of the commonalty of the land, thus declared necessary for the grant of any aid or tax, was collected from their Representatives consisting of two knights from each county, from each city two citizens, and from every borough two burgesses. For 250 years, the constant number of boroughs so sending their Representatives was about 120. Some thirty or forty others occasionally exercised or discontinued that practice or privilege, as they rose or fell in wealth and importance. How this construction of the House of Commons underwent various changes, till the principle on which it was founded was lost sight of, I will not now detain the House by explaining. There can be no doubt, however, that at the beginning of the period I have alluded to, the House of Commons did represent the people of England. No man of common sense pretends that this Assembly now represents the commonalty or people of England. If it be a question of right, therefore, right is in favour of Reform.

Let us now look at the question as one of reason. Allow me to imagine, for a moment, a stranger from some distant country, who should arrive in England to examine our institutions. All the information he had collected would have told

him that this country was singular for the degree which it had attained in wealth, in science, and in civilization. He would have learned, that in no country have the arts of life been carried further, no where the inventions of mechanical skill been rendered more conducive to the comfort and prosperity of mankind. He would have made himself acquainted with its fame in history, and above all, he would have been told, that the proudest boast of this celebrated country was its political freedom. If, in addition to this, he had heard that once in six years this country, so wise, so renowned, so free, chose its Representatives to sit in the great Council, where all the ministerial affairs were discussed and determined; he would not be a little curious to see the process by which so important and solemn an operation was effected. What then would be his surprise, if he were taken by his guide, whom he had asked to conduct him to one of the places of election, to a green mound and told, that this green mound sent two Members to Parliament—or, to be taken to a stone wall, with three niches in it, and told that these three niches sent two Members to Parliament—or, if he were shown a green park, with many signs of flourishing vegetable life, but none of human habitation, and told that this green park sent two Members to Parliament? But his surprise would increase to astonishment if he were carried into the North of England, where he would see large flourishing towns, full of trade and activity, containing vast magazines of wealth and manufactures, and were told that these places had no Representatives in the Assembly which was said to represent the people. Suppose him, after all, for I will not disguise any part of the case, suppose him to ask for a specimen of popular election, and to be carried, for that purpose, to Liverpool; his surprise would be turned into disgust at the gross venality and corruption which he would find to pervade the electors. After seeing all this, would he not wonder that a nation which had made such progress in every kind of knowledge, and which valued itself for its freedom, should permit so absurd and defective a system of representation any longer to prevail? But whenever arguments of this kind have been urged, it has been replied, and Mr. Canning placed his opposition to Reform on this ground, "We agree, that the House of Commons is not,

in fact, sent here by the people—we agree that, in point of reason, the system by which it is sent is full of anomaly and absurdity—but Government is a matter of experience, and so long as the people are satisfied with the actual working of the House of Commons, it would be unwise to embark in theoretical change.” Of this argument, I confess, I always felt the weight, and so long as the people did not answer the appeals of the friends of Reform, it was indeed an argument not to be resisted. But what is the case at this moment? The whole people call loudly for Reform. That confidence, whatever it was, which formerly existed in the constitution of this House, exists no longer—it is completely at an end. Whatever may be thought of the particular acts of the House of Commons, I repeat that the confidence of the country in the construction and constitution of the House of Commons is gone—and gone for ever. I would say more—I affirm that it would be easier to transfer the flourishing manufactories of Leeds and Manchester to Gatton and Old Sarum, than to re-establish the confidence and sympathy between this House and those whom it calls its constituents. I end this argument, therefore, by saying, that if the question be one of right, right is in favour of Reform—if it be a question of reason, reason is in favour of Reform—if it be a question of policy and expediency, policy and expediency speak loudly for Reform. I come now to the most difficult part of this subject—the explanation of the measure, which, representing the King’s Ministers, I am about to propose to the House. Those Ministers have thought, and, in my opinion, justly, that it would not be sufficient to bring forward a measure which should merely lop off some disgusting excrescences, or cure some notorious defects; but would still leave the battle to be fought again with renewed and strengthened discontent. They have thought that no half measures would be sufficient—that no trifling, no paltering, with so great a question could give stability to the Throne—authority to the Parliament—or satisfaction to the Country. Let us look, then, at what have been the chief grievances in the representation, of which the people have complained. And here let me observe, that there is great difference between the complaint of a grievance, and the suggestion of a remedy. On matter of grievance we ought to regard

with deference the expressed opinions of the people; but in suggesting remedies, those who are called to the business of legislation should follow the deliberate result of their own judgment. But not to digress any further. The chief grievances of which the people complain are these;—First, the nomination of Members by individuals? Second, the Elections by close Corporations; third, the Expense of Elections. With regard to the first—the nomination by individuals—it may be exercised in one of two ways; either over a place containing scarcely any inhabitants, and with a very extensive right of election, or over a place of wide extent and numerous population, but where the franchise is confined to very few residents. Gatton is an example of the first, and Bath of the second. At Gatton, the right is popular, but there is nobody to exercise it: at Bath, the inhabitants are numerous, but very few of them have any concern in the result of an election. We have addressed ourselves to both these evils, because we have thought it essential to apply a remedy to both; but they must, of course, be dealt with in different ways. With regard to Boroughs where there are scarcely any inhabitants, and where the elective franchise is such as to enable many individuals to give their voices in the choice of Members for this House, it would be evidently a mere farce to take away the right from the person exercising it, and to give it to the borough; and the only Reform that can be justly recommended is, to deprive the borough of its franchise altogether. I am perfectly aware, that in making this proposition we are proposing a bold and decisive measure. I am perfectly aware, and I should myself vote upon that persuasion, that on all ordinary occasions, rights of this kind ought to be respected, and it would be no small interest, no trifling consideration, which would justify the invasion of them. I well recollect, however, the language which a right hon. Gentleman opposite (Sir R. Peel) held on the occasion of his proposing a great change with regard to the elective franchise in another part of the empire—language which, in my humble opinion, well expressed the nature of the right in question, and the character of the circumstances which would justify the Legislature in touching it. It is now, Sir, two years since the right hon. Baronet opposite (Sir Robert Peel) standing here as a Minister of

the Crown, proposed the measure known by the name of Catholic Emancipation, accompanied by another measure for the disfranchisement of 200,000 freeholders, unoffending men, who had broken no law, who had violated no right, who had exercised their privilege, perhaps ignorantly, certainly independently and impatiently, in a manner which they in their consciences believed to be best. Now, Sir, if I quote the right hon. Gentleman's words, it is not because I think he is bound to be consistent, for on questions of this kind every man ought to act according to his judgment, for the benefit of his country. But I beg the House to recollect, that the right hon. Baronet then stood here as the servant of the Crown, representing the Ministers who have gone out of office, and did then, in their name, state the circumstances that influenced them upon that great and important measure. Upon that great occasion, he reminded the House, that it was bound to step, on some occasions, beyond its ordinary rules: and he instanced the cases of the Union and Septennial Acts, and other measures, when this House, in order to provide for the exigencies of the country, had departed from the common rules and modes that usually regulated its proceedings. The right hon. Baronet, after shewing that the House had frequently adopted extraordinary methods to avoid pressing dangers, proposed the measure, and at once met the objections to it in these words. He said, "I admit at once the full force of the objection which will be urged against that part of the measure I propose, by which the existing right of voting is taken away from the freeholder. No doubt it is a vested right, but it is a right that differs in its character from the rights of property, and other strictly private rights. It is a public trust, given for public purposes, to be touched, no doubt, with great caution and reluctance; but still which we are competent to touch if the public interest manifestly demands the sacrifice.*" Sir, such were the sentiments of the right hon. Baronet, sentiments with which the House agreed; for I never knew any measure carried through this House with greater support than that measure of disfranchisement. But, Sir, shall we say, that we are bound to have

one principle when the peasantry of Ireland are concerned, and another when the rich and noble are interested, and that we must consider the latter as sacred, and not venture to touch their privileges, when the public interest requires it? Shall we say, that the freeholders of Ireland, merely exercising a right which the Constitution gives, may be deprived of that right, and that we must not venture to touch the privilege of the noble Lord who returns two Representatives to this House for Gatton, though the Constitution says such a privilege ought not to exist? Shall we say, that that which is justly, constitutionally, and legally, a right, shall be done away—that it may be swept away when the convenience of the country demands it—and that a privilege which is a mere usurpation, which has no sanction from the law, and which is only supported by long usage, shall be held sacred, when the public interests require, and the public voice demands its abolition. Are we to make this glaring distinction between the rich and the poor—between the Peer and the peasant? are we to disfranchise the forty-shilling freeholder and must we not touch the borough which is claimed as the property of some noble Lord? The plan we propose is, therefore, to meet the difficulty in front—as the Duke of Wellington and his colleagues met it in the year 1829; and our measure will have the effect of disfranchising a number of boroughs, as that measure disfranchised a number of voters. It would be a task of extreme difficulty to ascertain the exact proportion of the wealth, trade, extent, and population, of a given number of places, and we have, therefore, been governed by what is manifestly a public record—I mean the population returns of 1821, and we propose that every borough which in that year had less than 2,000 inhabitants, shall altogether lose the right of sending Members to Parliament. The effect will be, utterly to disfranchise sixty boroughs. But we do not stop here. As the hon. member for Boroughbridge (Sir C. Wetherell) would say, we go *plus ultra*. We find that there are forty-seven boroughs, of only 4,000 inhabitants, and these we shall deprive of the right of sending more than one Member to Parliament. We likewise intend that Weymouth, which at present sends four Members, shall, in future, only elect two. The abolition of sixty boroughs will occasion 119 vacan-

* Hansard's Parliamentary Debates, New Series, Vol. xx. p. 771.

cies, to which are to be added forty-seven for the boroughs allowed to send only one Member, and two of which Weymouth will be deprived, making in the whole 168 vacancies. Such is the extent to which Ministers propose to go in the way of disfranchisement. But, as I have already said, we do not mean to allow that the remaining boroughs should be in the hands of select Corporations—that is to say, in the possession of a small number of persons, to the exclusion of the great body of the inhabitants, who have property and interest in the place represented. It has been a point of great difficulty to decide to whom the franchise should be extended. Although it is a much disputed question, yet I believe it will be found, that in ancient times every freeman, being an inhabitant householder resident in a borough, was competent to vote for Members of Parliament. As, however, this arrangement excluded villains and strangers, the franchise always belonged to a particular body in every town—a body undoubtedly possessed of property, for they bore the charges of their Members, and on them were assessed the subsidies and taxes voted by Parliament. But when villanage ceased, various and opposite courses seem to have been pursued in different boroughs. In some, extending the liberal principle that all freemen were to be admitted, householders of all kinds, down to the lowest degree, and even sometimes beyond, were admitted. In others, adopting the exclusive principle that strangers and villains were no part of the burgesses, no new Corporations were erected, and the elective franchise was more or less confined to a select body. These differences, the House will be aware, have led to those complicated questions of right which we are every week called upon to decide; and I think no one will deny, that our Election Committees often have brought before them, and are obliged to settle, questions that are at once, the most vexatious, the most difficult, and the most useless. Originally these points were decided in this House by the prevalence of one party or of another: they are now determined more fairly, but still the determinations are all founded upon the original iniquity of some party conflict. I contend, that it is important to get rid of these complicated rights—of these vexatious questions, and to give to the real property and to the real respectability of

the different cities and towns the right of voting for Members of Parliament. The first distinction that naturally occurred to us as forming a proper class of voters, was that pointed out by the bill of the right hon. Baronet opposite (Sir R. Peel), of persons qualified to serve on Juries. But, upon looking into this qualification, we found that in Edinburgh, Liverpool, Manchester, and other important places, although it certainly would give an extended constituency, it would still be too limited for the number of the inhabitants; while, in small boroughs, it would have the evil of confining the elective franchise to a very few persons indeed. According to the Returns from the Tax Office, which I admit are not entirely to be depended upon, ten, seven, three, and even one, would be the number of persons in some towns rated for a house of 20*l.* a year. Therefore we saw, if we took this qualification, we should be creating new close boroughs, and confining the elective franchise, instead of enlarging it; we therefore propose that the right of voting shall be given to householders paying rates for, or occupying a house of, the yearly value of 10*l.* and upwards. Whether he be the proprietor, or whether he only rent the house, the person rated will have the franchise upon certain conditions hereafter to be named. At the same time, it is not intended to deprive the present electors of their privilege to vote, provided they be resident. With regard to non-residence, we are of opinion that it produces much expense, that it is the cause of a great deal of bribery, and that it occasions such manifold and manifest evils, that electors who do not live in a place ought not to be permitted to retain their votes. At the same time, I do not believe that we are inflicting even upon this class any injury, for nearly all, either in one place or in another, will possess a franchise as belonging to the great mass of householders. With regard to resident voters, we propose that they shall retain their right during life, but that no vote shall be allowed hereafter, excepting on the condition I have before stated, that the person claiming the right must occupy a house of the value of 10*l.* a year. I shall now proceed to the manner in which we propose to extend the franchise in counties. The Bill I wish to introduce will give all copyholders to the value of 10*l.* a year, qualified under the right hon. Gentleman's

bill to serve on Juries, and all leaseholders for not less than twenty-one years, whose leases have not been renewed within two years, a right to vote for the return of Knights of the Shire. [Sir R. Peel asked, across the Table, the amount of rent which was necessary?] The right will depend upon a lease for twenty-one years, where the annual rent is not less than fifty pounds. It will be recollected that, when speaking of the numbers disfranchised, I said, that 168 vacancies would be created. We are of opinion that it would not be wise or expedient to fill up the whole number of those vacancies. After mature deliberation, we have arrived at the conclusion, that the number of Members at present in the House is inconveniently large. I believe there is no hon. Gentleman who was a Member of the House before the Union with Ireland, who will not agree that the facility of getting through business has since been greatly diminished. Besides, it is to be considered that when this Parliament is reformed, as it will be, I trust, before long, there will not be so many Members, who enter Parliament merely for the sake of the name, and as a matter of style and fashion. It is not to be disputed that some Members spend their time in foreign countries, and never attend this House at all, to a certain degree, to the inconvenience of those who do attend to their duties. Several, for two or three years together, have never attended in their places; and, at the end of a Parliament, I believe there is generally found an instance or two of individuals, who, having been elected, have never appeared at the Table, even to take the oaths. But it is obvious, that whenever a Member has a certain number of constituents watching his actions, and looking to his votes, in order that the people's money be not given for purposes inconsistent with the people's interests, his attendance will be much more regular. Therefore, when we propose a great change, by cutting off a number of Members, the effect will be, to facilitate public business, to the manifest advantage of the country. We propose, however, to fill up a certain number of the vacancies, but not the whole of them. We intend that seven large towns shall send two Members each, and that twenty other towns shall send one Member each. s even towns which are to send two Members each, are the following:—

Manchester and Sal-	Wolverhampton, Bil-
ford	ston, and Sedge-
Birmingham & As-	ley
ton	Sheffield
Leeds	Sunderland and the
Greenwich, Dept-	Wearmouths.
ford, & Woolwich	

The following are the names of the towns, each of which, it is proposed, shall send one Member to Parliament:—

Brighton	Kendal
Blackburne	Bolton
Macclesfield	Stockport
South Shields and	Dudley
Westoe	Tynemouth & North
Warrington	Shields
Huddersfield	Cheltenham
Halifax	Bradford
Gateshead	Frome
Whitehaven, Work-	Wakefield
ington, Harring-	Kidderminster
ton	Walsall

It is well known, that a great portion of the Metropolis and its neighbourhood, amounting in population to 800,000 or 900,000, is not represented, and we propose to give eight Members to the unrepresented, by dividing them into the following districts each of which is to have two:—Tower Hamlets, 283,000 population; Holborn, 218,000; Finsbury, 162,000; Lambeth, 128,000. The two large, populous parishes of Marylebone and St. Pancras which, no doubt, are entitled to be represented, at least as much entitled to it as Boroughbridge, are included in one of the districts I have named. Next we propose an addition to the Members for the larger counties—a species of Reform always recommended, and which, I believe, Lord Chatham was almost the first to advocate. Those counties contain a variety of interests, and form an admirable constituency; in some, as in Staffordshire, there is a large manufacturing population, better represented in this way than perhaps in any other; and as County Members have unquestionably the most excellent class of constituents, they form of themselves a most valuable class of Representatives. The Bill I shall beg leave to introduce will give two additional Members to each of twenty-seven counties, where the inhabitants exceed 150,000. Everybody will expect that Yorkshire, divided into three Ridings—the East, West, and North—should have two Members for each Riding; and the other

counties to which this additional privilege will be given are the following :—

Chester	Devon
Derby	Essex
Durham	Kent
Gloucester	Lincoln
Lancaster	Salop
Norfolk	Stafford
Somerset	Sussex
Suffolk	Nottingham
Wilts	Surrey
Warwick	Northumberland
Cumberland	Leicester
Northampton	Southampton
Cornwall	Worcester.

Besides this, it is proposed that the Isle of Wight shall return one Member. I will now proceed to another part of the subject. I spoke at first of the evils connected in the minds of the people with the power of nomination by individuals, and with the power of election by a few persons in very small and close Corporations. The remedies I have already detailed are pointed against these defects. I now beg leave to direct the attention of the House to that part of the plan which relates to the expense of long-protracted polls, and which, while it removes that evil, also greatly facilitates the collection of the sense of the elective body. The names of electors are to be enrolled, by which means we hope that the disputes regarding qualification will be in a great measure avoided. We propose that all electors in counties, cities, towns, or boroughs, shall be registered, and for this purpose, machinery will be put in motion very similar to that of the Jury Act: that is to say, at a certain period of the year (I now speak of boroughs), the parish officers and churchwardens are to make a list of the persons who occupy houses of the yearly value of 10*l*. This list of names will be placed on the church doors, we will suppose in September, and in the following month, October, the Returning Officer will hold a sort of trial of votes, where claims made and objections stated, will be considered and decided. When this process has been gone through, the Returning Officer will declare the list complete, and on the 1st of December in every year, the list will be published; every person who chooses, may obtain a copy of it, and that list will be the rule to govern electors and elections for the ensuing year. We intend,

that during that ensuing year, every person shall be entitled to vote whose name is in the list, and that no question shall be asked, but as to his identity, and whether he has polled before at the same election. These regulations are extremely simple, and will prevent all those vexatious and noisy scenes now so often witnessed, regarding disputed votes. The means of ascertaining who are the electors being made thus easy, there will be no reason why the poll should be kept open for eight days, or for a longer period; and it is proposed that, nearly according to the present law, booths shall be erected for the voters of the different parishes, so that the whole poll may be taken in two days. For my own part, I hope that the time may come when the machinery will be found so simple that every vote may be given in a single day; but in introducing a new measure, it is necessary to allow for possible defects in the working of the machinery; attempts may be made to obstruct the polling, and we therefore recommend two days, in order that no voter may be deprived of the opportunity of offering his suffrage. As to counties, the matter may be somewhat more difficult; we propose, however, in the same manner, that the churchwardens shall make out a list of all persons claiming the right to vote in the several parishes, and that these lists shall be affixed to the church doors: a person to be appointed (say a Barrister of a certain standing) by the Judge of Assize, shall go an annual circuit within a certain time after the lists have been published, and he shall hear all claims to vote, and decide all objections to voters. Having decided who are entitled to exercise the privilege, he will sign his name at the bottom of the list, and will transmit it to the Clerk of the Peace. The list will then be enrolled as the names of the freeholders of the county for the ensuing year. With respect to the manner of proceeding at Elections, we have it in view to introduce a measure which can hardly fail to be an improvement of the present system. Every body knows, and must have lamented the enormous expense to which candidates are put in bringing voters to the poll. An election in Yorkshire has been known to cost nearly 150,000*l*.; and in Devonshire some of the electors are obliged to travel forty miles over rough cross-roads, which occupies one day; the next is consumed in polling, and the third in returning

home; the whole scheme being a manifest source of vast expense, and most inconvenient delay. We propose, therefore, that the poll shall be taken in separate districts, into which the counties are to be divided, those districts to be arranged according to circumstances by the Magistrates at Quarter Sessions. Subject however, to the condition that they shall not be changed for two years. The formation of those districts will give an opportunity of more readily taking the votes when an election occurs. The sheriffs shall hold the election on a certain day, and if it should happen that a poll be demanded, they shall adjourn the election to the day next but one. The poll shall then be kept open for two days, so as to enable all the persons qualified under the several Acts of Parliament to give their votes. On the third day the poll shall be closed, and on the sixth day an account shall be published of the number of votes. It will be so arranged, that no voter shall have to travel more than fifteen miles to give his vote. At the same time it is not proposed that the number of polling places in one county shall exceed fifteen, as the multiplication of places for receiving the votes would give rise to great inconvenience, and leave an opening to new abuses. We propose that each large county which is to return four Members, shall be divided into two districts, returning each two Members to Parliament. In adjusting that division of the counties, there will, I have no doubt, be some difficulty. But we propose that his Majesty shall nominate a Committee of the Privy Council, to determine the direction and extent of the districts into which each county shall be divided.—Those Privy Councillors, I need not say, will be persons known to the House and to the country.—They will be persons of known responsibility in the discharge of that duty.—In some of the boroughs, to which the right of representation is to be continued, the number of electors is exceedingly small. We shall, therefore, insert in the Bill which we propose to submit to Parliament, a clause, giving to Commissioners, nominated under that bill, authority to enable the inhabitants of the adjoining parishes, and chapeltries, to take part in the elections, when the number of electors in such Boroughs shall be less than 300.—That these are extensive powers I shall not attempt to deny; but, as the difficulty exists, it is our duty to

consider how it may be overcome. How it is to be met, his Majesty's Ministers do not know, otherwise than by committing the powers to persons known and responsible to Parliament, and to the nation, and appointed by the Royal Proclamation. If any hon. Gentleman should stand up in his place, and say that the powers which we propose to give to the Committee of the Privy Council are too great, I will only ask him, if it be granted that the business is to be done, and that the objects for which we propose the Committee are proper and useful, can he suggest any better and more effectual mode of doing it?—If any gentleman in the House will suggest a mode more safe, more constitutional, his Majesty's Ministers will have no difficulty in adopting that mode and waiving their own, their only object being to advance the interest of the people, to which every other consideration ought to yield. I have now only one thing more to say with regard to the Representation of England. In all those new towns to which we propose to give the right of sending Members to Parliament, all persons who are in them entitled by their property to vote, are to be excluded from the right to vote for the Representatives of the county, by virtue of the same property. At the same time that the towns will have themselves a proper share in the representation, we do not intend that they shall interfere with the representation of the counties. It is not intended to interfere with the franchise of those freeholders who are at present entitled to vote. I believe I have now concluded the statement of all the alterations which are intended to be made in the representation of England. With respect to the right of the forty-shilling freeholders in the counties, I do not think that there should be any alteration; for I consider that they are a class of persons eminently qualified to have the trust of electing committed to them. By the smallness of the property which constitutes their qualification, they are especially calculated to give the Representation that extended basis which it is most desirable that it should have.—[An hon. Member, here called on Lord John Russell to name the disfranchised boroughs].—It is proposed to take away the right of electing Members to serve in Parliament from all towns and boroughs which do not contain 2,000 inhabitants. With respect to some of these, it was at first a

question whether we should not still allow them to send each one Member; but, on consideration, we thought it better to avoid all chance of an imputation of partiality. We, therefore, determined to fix upon the number of 2,000 inhabitants, and thereby leave no doubt, that in their disfranchisement we were not influenced by partiality, by prejudice, or by a wish to favour some in preference to others. I will now read the list of the boroughs to be disfranchised on this principle. [The noble Lord accordingly read the following list, in the course of which he was frequently interrupted by shouts of laughter, cries of "hear, hear,!" from Members for these boroughs, and various interlocations across the Table.]

Aldborough, York	Midhurst
Aldborough, Suffolk	Milborne Port
Appleby	Minehead
Bedwin	Newport, Cornwall
Beeralston	Newton, Lancashire
Bishop's Castle	Newton, I. of Wight
Bletchingley	Okehampton
Boroughbridge	Orford
Bossiney	Petersfield
Brackley	Plympton
Bramber	Queenborough
Buckingham	Reigate
Callington	Romney
Camelford	St. Mawe's
Castle Rising	St. Michael's, Cornwall
Corfe Castle	
Dunwich	Saltash
Eye	Old Sarum
Fowey	Seaford
Gatton	Steyning
Haslemere	Stockbridge
Heyden	Tregony
Heytesbury	Wareham
Higham Ferrers	Wendover
Hindon	Weobly
Ilchester	Whitchurch
East Looe	Winchelsea
West Looe	Woodstock
Lostwithiel	Wootton Bassett
Ludgershall	Yarmouth, Isle of
Malmesbury	Wight

In all there are sixty boroughs, to be totally disfranchised, and I will now read the list of the boroughs which will be allowed to return one Member of Parliament each:—

Amersham	Bodmin
Arundel	Bridport
Ashburton	Chippenham
Bewdley	Clitheroe

Cockermouth	Morpeth
Dorchester	Northallerton
Downton	Penryn
Droitwich	Richmond
Evesham	Rye
Grimsby	St. German's
East Grinstead	St. Ives
Guilford	Sandwich
Helston	Sudbury
Honiton	Shaftesbury
Huntingdon	Tamworth
Hythe	Thetford
Launceston	Thirsk
Leominster	Totness
Liskeard	Truro
Lyme Regis	Wallingford
Lymington	Westbury
Maldon	Wilton
Marlborough	Wycombe.
Marlow	

In all forty seven boroughs. With regard to Wales, the only alteration I propose to make besides introducing the same right of franchise into all the boroughs there which we propose for England, consists in adding to the towns in Wales, which already send Members, the neighbouring unrepresented towns, so as to give them a share in the representation. It is proposed, for instance, to add Holyhead to Beaumaris; Bangor to Carnarvon; Wrexham to Denbigh; Holywell and Mold to Flint; Llandaff and Merthyr Tydvil to Cardiff; Welch-Pool, Llanvilling, and three other places which returned Members of Parliament formerly, but which were disfranchised by a decision of the House of Commons, I believe, in the time of Sir Robert Walpole, to Montgomery; St. David's, Fishguard, and Newport, to Haverfordwest; Milford to Pembroke; Presteign to Radnor; and we further propose that a new district of boroughs should be erected, consisting of Swansea, Cowbridge, Laugharn, and three other places, which are to have the privilege of returning one Member to Parliament. These are the only additional Members which it is proposed to add to the representation of Wales. I now come to the representation of Scotland; and if the representation of England wants Reform, certainly the same thing may be said, with additional reason, as regards the representation of Scotland. If we have close boroughs in England, we have also popular elections, and popular representation in many of those boroughs; but in Scotland there is not a vestige of popular representation. Indeed, there is

no such thing known in that country as a popular election; consequently, the wealth, the respectability, and the intelligence, for which the inhabitants of that country are so distinguished, are virtually unrepresented. In the counties of Scotland, there are 3,253 persons, who appear on the lists as qualified to vote, but, from various causes, a number of those electors cannot vote; so that the whole number of electors, by which the county Members of Scotland are returned, does not exceed 2,340 persons. I shall not enter into the details of the manner in which the right of voting is obtained in the counties of Scotland. I shall only mention that the right is, in many instances, obtained by an authority distinct from that derived from the possession of land. Persons, in selling land, have been in the practice of retaining the Superiority which gives them the right of voting, in their own hands. Latterly, the proprietors of land have sold the Superiority, which has been purchased for corrupt purposes, by persons who were altogether unconnected with the counties in which they have votes. Knowing this to be the case, I thought it necessary to procure a return, showing the proportion of the number of persons holding landed property and possessing votes in the counties in Scotland, a few extracts from which I will read to the House. I find that in Ayrshire there are 308 electors; and that 105 of those do not possess any landed property in the county. In Banff there are nineteen electors, and only two have any landed property. In Ross and Cromarty there are twenty-nine electors, and only eight of those possess landed property. And in the county of Lanark there are 224 electors, of which number ninety-eight only are landed proprietors. This is the state of the constituency in the counties of Scotland; which, I conceive, is not fair, as regards the real landed proprietors. If I hear anyone object to this measure, on the ground that it tends to deprive the land-owner in Scotland of his fair and legitimate influence, or of any right which he now possesses, I shall refer to this return, for it presents a complete answer to any such objection; and affords decisive evidence that the franchise is not in the landowner. What I propose in the counties of Scotland is, that every one possessing what is there called the *dominium utile*, or what we should call a beneficial interest, in lands or houses, to the amount of 10*l.*, in the nature of a freehold or copy-

hold, shall be entitled to a vote. We propose, likewise, that leaseholders in possession, and having a written lease for a term of nineteen years, or any longer period, to the value of 50*l.*, shall be entitled to vote; provided, as the Bill provides for England, that the lease has not been renewed for two years before the election. We have fixed on nineteen years, because leases are generally granted for that term in Scotland. All the details of the measure for England, as already described, will be applicable, with some trifling alteration, to the elections for Scotland. We propose, also, one or two arrangements respecting the representation of the counties in Scotland. For instance, it is intended that Selkirk shall be joined with Peebles; and that those two counties, both being very small, should only return one Member. Dumbarton and Bute, Elgin and Nairne, Ross and Cromarty, Orkney and Shetland, and Clackmannan and Kinross, with certain additions, to do the same. The remaining twenty-two counties each singly to return one Member. We also propose that Edinburgh shall have two Members, Glasgow two, and that Aberdeen Paisley, Dundee, Greenock, and Leith (with the addition of Portobello, Musselburgh, and Fisherrow), shall each singly return one Member. We propose that the East Fife district of burghs shall no longer return any Member, but it shall be thrown into the county. The remaining thirteen districts of burghs, we propose shall each return one Member, with these variations—that Kilmarnock shall take the place of Glasgow in the district of burghs to which Glasgow formerly belonged; that Peterhead shall take the place of Aberdeen; and that Falkirk shall be added to the districts of Lanark, and Linlithgow, to Selkirk and Peebles. As to the right of voting in the boroughs and towns of Scotland, it will be founded on the principle of property, arising from the occupation of houses rented or rated to taxes at not less than 10*l.* per year. The manner in which we propose that the eligibility of electors shall be ascertained in Scotland is very similar to the manner proposed for England—namely, by a registry of the names. In Scotland, however, there will be advantages and facilities afforded, because there are already proper officers in that country, perfectly competent to fulfil the duties which that system will require. With these several alterations,

Scotland will have fifty Members instead of forty-five. The elections for the burghs are not to continue in the same state as at present. It is proposed that the election shall no longer remain in delegates appointed by self-elected Corporations; but all those who have a right to vote founded, as I have stated, on the possession of a house rated at 10*l.*, are to vote in their own persons, and the number voting in the whole district will be summed up by the returning officer, who, according to the sum of the whole number of votes, will return the Members. I now proceed to Ireland, where a reform in the Representation, though necessary, will be more simple than that proposed with respect to the representation of England and Scotland. At the time of the Union, little more than thirty years ago, the representation of Ireland was entirely remodelled, and, therefore, in that country, we do not find those small and decayed boroughs sending Representatives to Parliament as is the case in England. In many, however, of the boroughs in Ireland, the franchise is held by only a small number of persons, who are not entitled, either by property or situation to return the Representatives. I propose that the inhabitants of those boroughs generally shall have the right of electing their Representatives in the same manner as in England, although that right is to be ascertained differently. I propose that property or occupancy, to the value of 10*l.* per annum, should give every man a vote who resides in one of these boroughs. I am convinced that this arrangement will be attended with the greatest benefit to Ireland. I know that the people of that country have fered the greatest inconvenience and injury from the political rights being in the hands of a few. Not long since, I brought before the House a case arising in the borough of Wexford. The merchants of that town, it then appeared, are entirely excluded from all political rights, and the dues they pay on goods shipped by them for the English coast amounting to 2,000*l.* per annum, they would not have to pay, if they were free of the Corporation. I am convinced, therefore, that this enlargement of the franchise in Ireland will tend to promote industry and encourage trade, and I hope the country will make such a progress before many years, that we shall hear of no other agitation in it but that caused by the bustle

of increasing business and wealth. There are three towns in Ireland which have grown into great importance, and to which we propose to give an additional Representative, viz. Belfast, Limerick, and Waterford, all of which at present send one Member. Ireland, therefore, will send three Members in addition to the number of 100 Representatives which she now sends. Ireland as well as Scotland, therefore, obtains some advantage from the number of Members cut off, and not to be supplied from the English representation; and as regards the number of Representatives, the relative importance of Ireland and Scotland is increased by this measure. In those countries, therefore, I apprehend this measure will afford great satisfaction. I now proceed to state the result of all these changes on the numbers in this House. [Mr. *Leader* asked, what was proposed as the qualification for voters in counties in Ireland?] The qualification of voters in counties in Ireland is not to be altered, except, that beneficed Clergymen are to be entitled to vote as freeholders. The arrangement as to elections is to be the same as in England. The county elections must be concluded within six days from the time of their commencement, as in England, and all persons at present entitled to vote will continue to have that right. I think there is no other alteration of any importance as regards Ireland. Having gone through the several alterations proposed in England and Wales, in Scotland and Ireland, I now come to the result. The number of Members now belonging to this House is..... 658

The number to be disfranchised	168
Number remaining	490
Additional Members for Scotland.....	5
Additional Members for Ireland	3
Additional Member for Wales	1
Additional Members for the metropolis	8
New Members for large towns in England.....	34
Additional Members for counties in England.....	55
Total additional Members	106
Members of the House not to be disfranchised	490
Total	596

Making a decrease of sixty-two Members in the total number of Representatives. I will now state the number of additional persons who, I suppose, will be entitled to

votes for counties, towns, and boroughs under this Bill :—

	Persons.
The number in towns and boroughs in England already sending Members, will be increased by	110,000
The electors of towns (in England) sending Members for the first time I estimate at	50,000
Electors in London, who will obtain the right of voting	95,000
Increase of electors in Scotland.....	60,000
In Ireland, perhaps	40,000
Increase in the counties of England probably	100,000

It is my opinion, therefore, that the whole measure will add to the constituency of the Commons House of Parliament, about half a million of persons, and these all connected with the property of the country, having a valuable stake amongst us, and deeply interested in our institutions. They are the persons on whom we can depend in any future struggle in which this nation may be engaged, and who will maintain and support Parliament and the Throne in carrying that struggle to a successful termination. I think that those measures will produce a farther benefit to the people, by the great incitement which it will occasion to industry and good conduct. For when a man finds, that by industrious exertion, and by punctuality, he will entitle himself to a place in the list of voters, he will have an additional motive to improve his circumstances, and to preserve his character amongst his neighbours. I think, therefore, that in adding to the constituency, we are providing for the moral as well as for the political improvement of the country. Having now, Sir, gone through the principal provisions of the Bill which I propose to introduce, I cannot but take notice of some particulars in which, perhaps, this measure will be considered by many to be defective. In the first place, there is no provision for the shorter duration of Parliaments. That subject has been considered by his Majesty's Ministers; but upon the whole, we thought that it would be better to leave it to be brought before the House by any Member who may choose to take it up, than to bring it in at the end of a Bill regulating matters totally distinct. Without saying, therefore, what is the opinion of his Majesty's Ministers respecting that question, which I myself think to be one of the utmost importance, and to deserve the utmost care in its decision, we shall keep

the large measure of Reform, which this Bill comprehends, separate from every other question, and leave the subject of the duration of Parliaments to be brought before the House by some other Member at a future time. For my own part, I will only say, that whilst I think it desirable that the constituency should have a proper control over their Representatives, it is, at the same time, most inexpedient to make the duration of Parliaments so short that the Members of this House should be kept in a perpetual canvass, and not be able deliberately to consider and to decide with freedom any great question. Sir, I do not think it behoves the people of a great empire to place their Representatives in such dependence. What the point then is, at which we may fix the proper control of the constituency, I do not think it necessary to discuss at present. When the question comes under the consideration of this House, I shall be ready to deliver my opinion. I have now only to state, that the King's Ministers are satisfied, that they ought not, on the present occasion, to propose any measure for shortening the duration of Parliaments, and, that in providing for a popularly elected representation, they ought to abstain from embarrassing that question with any other, which is encumbered with its own doubts, difficulties, and obstacles. There is another question, Sir, of which no mention is made in this Bill, although it at present occupies very much the attention of the country—I mean the question of Vote by Ballot. Sir, there can be no doubt that that mode of election has much to recommend it. The arguments which I have heard advanced in its favour are as ingenuous as any that ever fell under my observation on any subject. But at the same time I am bound to say, that this House ought to pause before it gives its sanction to that measure. The hon. member for Bridport, who is to bring this question under the notice of the House, says, that secrecy affords the only means by which the elector can be secured in the independence of his vote. But, Sir, I must say, that while on one side it favours the conscientious voter in the exercise of his franchise, it, at the same time, affords a cover to much fraud, to much deceit, private hatred, treachery and falsehood. If it would prevent the exercise of an improper influence over the good, it would also prevent the operation of a beneficial influence over the bad. I doubt, likewise,

whether, in a country like this, accustomed as the people are to vote openly, whether electors would ever avail themselves of the secrecy of the ballot. But if they could be induced to adopt this mode, I have still great doubts as to its practical effects. It is very doubtful to me whether there is any class or description of men who will not be swayed by influence, in whatever manner that influence may be manifested. Men of rank and title may still desire to have power over the multitude, and it is not clear to me that the ballot would counteract the influence of such men. They would endeavour to exercise the same influence over the minds of the people, and that influence once acquired, where is the protection afforded by the ballot? I am bound to say, moreover, that above all things, it appears very doubtful that it would be at all advisable to have any class of persons wholly irresponsible in the discharge of a great public duty. For, if we can suppose ballot to be completely successful in concealing the voter, he is, and must be, irresponsible in the exercise of a vast power. I am not one of those who wish to see such power placed in any hands. Men who follow Courts, advise an arbitrary king; persons enamoured of the distinctions of rank are willing slaves to an arbitrary aristocracy; men of a more generous and enthusiastic nature exalt an arbitrary multitude; but those who weigh things soberly and calmly, see in all these shapes a fallible being, whose mind may be clouded by every variety of error, and whose will may be misdirected by every storm of passion. In our country, at least, it is in the influence of one part of the Government over another, of the Crown over the Lords, of the Commons over the Crown, of public opinion over all, that we are accustomed to seek for a security against the encroachments of tyranny of every description. I arrive at last at the objections which may be made to the plan we propose. I shall be told, in the first place, that we overturn the institutions of our ancestors. I maintain, that in departing from the letter, we preserve the spirit of those institutions. Our opponents say, our ancestors gave Old Sarum Representatives, therefore we should give Old Sarum Representatives.—We say, our ancestors gave Old Sarum Representatives, because it *was* a large town; therefore we give Representatives to Manchester, which *is* a large town. I think we are acting more as our ancestors

would have acted, by letting in Representatives for our great commercial and manufacturing towns, than by excluding such Representatives. I may be told, that the proposed Reform is contrary to the principle of Parliament, as settled at the time of the Revolution: and Mr. Burke may be quoted in support of the proposition, that as the same places continue to send Representatives, the principle of the Constitution must be the same. But whilst I acknowledge Mr. Burke's transcendent ability and unequalled powers of reasoning, I cannot approve of his mode of arguing this question. He might as well have held, that the principles of the Roman Empire in the time of Augustus, were the same as the principles of the Roman Republic in the days of the first Brutus, as to say, that because Old Sarum, from its size and importance in the time of Edward 3rd, sent Representatives to Parliament, it should continue to send those Representatives, or else we should no longer follow up the principle of our ancestors in forming the constitution of this House. It has been asserted also, if a Reform were to be effected, that many men of great talents, who now get into this House for close boroughs, would not be able to procure seats. I have never entertained any apprehensions of the sort, for I believe that no Reform that can be introduced will have the effect of preventing wealth, probity, learning, and wit, from having their proper influence upon elections. My learned and hon. friend near me, his Majesty's Attorney General, is an illustrious instance that, in large and populous boroughs, lawyers of eminence, and gentlemen of great talents and public spirit, will be spontaneously chosen. It may be said too, that one great and injurious effect of the measures I propose will be, to destroy the power and privileges of the aristocracy. This I deny. I utterly deny that this plan can have any such effect. Wherever the aristocracy reside, receiving large incomes, performing important duties, relieving the poor by charity, and evincing private worth and public virtue, it is not in human nature that they should not possess a great influence upon public opinion, and have an equal weight in electing persons to serve their country in Parliament. Though such persons may not have the direct nomination of members under this Bill, I contend that they will have as much influence as they ought to have. But if by aristocracy those persons are meant who do not live among

the people, who know nothing of the people, and who care nothing for them—who seek honours without merit, places without duty, and pensions without service—for such an aristocracy I have no sympathy; and I think, the sooner its influence is carried away with the corruption on which it has thriven, the better for the country, in which it has repressed so long every wholesome and invigorating influence. Language has been held on this subject, which I hope will not be heard in future. A call has been made upon the aristocracy—all who are connected with it have been summoned to make a stand against the people. Some persons have even ventured to say, that they, by their numerical strength, could put down what they call sedition. But the question at issue does not respect the putting down of sedition. The real question is, whether, without some large measure of Reform, the business of the country can be carried on with the confidence and the support of the people? I shall not ask whether you can resist Reform, but I say, that it has become a question whether or not the Constitution would now perish if Reform be deferred. This House, in its unreformed state, has nothing to look to but the sympathy, confidence, and support of the nation. If it now refuses Reform, that sympathy will be withheld—that support will be denied. I ask you, then, whether, when his Majesty's Ministers are convinced that Reform is necessary, and when they have the approbation of their gracious Sovereign for bringing this proposition before the House; when they declare that Reform is indispensable; when multitudes of petitions pour upon your Table, and myriads of voices out of doors put forth a just request for Reform—will this House say, “We are the judges of our own honesty, we despise the advice of the Crown, and disregard at once the warning of Ministers, and the demands of the people, whom we profess to represent?” Will this House say, “We will keep our power, keep it how we may; we regard not the petitions of the people, and are ready to abide by all the consequences of our refusal;” I appeal, Sir, in my turn, to the aristocracy. The gentlemen of England have never been found wanting in any great crisis. When the country was engaged in war against the national enemy—when the honour and security of the country were assailed—they were ever foremost. When burthens were to be borne, they were ever as

ready to bear their share as any other class of the community. I ask them now, when a great sacrifice is to be made, to show their generosity—to convince the people of their public spirit—and to identify themselves for the future with the people. Upon the gentlemen of England, then, I call. I ask them to come forward, and, by their conduct on this occasion, to give security to the Throne, stability to Parliament and the Constitution, and strength and peace to the country. The question is to be decided by this House. Whatever may be the result of this proposition, the King's Ministers will feel that they have done their duty. They have hitherto pursued an even and straightforward line, consulting no particular class or party, but acting according to the dictates of what they considered their duty. Wherever the line of duty has led them, they have not hesitated to encounter any difficulties by which they were met. I need only refer to their firm and vigorous exertions of the laws, by which those disturbances, which unhappily prevailed throughout the country when they took office, have, I may say, been entirely put an end to. By the vigorous exertion of law, passed before they came into office by another Ministry, they have been enabled to put down that system of agitation which had commenced in the sister kingdom, and which threatened such fatal results. In neither of those instances, I may venture to say, has there been anything like a bending to popular clamour on the part of his Majesty's Ministers, or a desire to ingratiate themselves with the people, for the mere sake of obtaining popular and transient favour. I therefore think I am justified in saying, that we are to be believed when we come forward and state, that we consider some effectual measure of Reform to be necessary. I say, that we have a right to be believed when we assert that it is not for any sinister end of our own we bring forward the present measure, but because we are interested in the future welfare of this country, which welfare we conceive to be best consulted by the adoption of a timely and an effective Reform—because we think, that, by such a course alone we shall be enabled to give permanency to that Constitution which has been so long the admiration of nations, on account of its popular spirit, but which cannot exist much longer, unless strengthened by an additional in-

fusion of popular spirit, commensurate with the progress of knowledge and the increased intelligence of the age. To establish the Constitution on a firm basis, you must show that you are determined not to be the representatives of a small class, or of a particular interest; but to form a body, who, representing the people, springing from the people, and sympathising with the people, can fairly call on the people to support the future burthens of the country, and to struggle with the future difficulties which it may have to encounter; confident that those who call upon them are ready to join them heart and hand: and are only looking, like themselves, to the glory and welfare of England. I conclude, Sir, by moving for leave to bring in a Bill for amending the state of the Representation in England and Wales.

Sir J. Sebright seconded the Motion. The hon. Baronet observed, that the statement which had been made by his noble friend was so distinct, and so clear, that he felt himself highly honoured in having the opportunity of seconding it. Reform was, in his opinion, a measure so necessary to give tranquillity to the country, and to uphold its real interests, that his only sorrow was, that it had not been brought forward sooner. He had come down to the House without knowing what the plan of Reform was to be; but conceiving it more than probable that he should vote for any plan of Reform, because he saw how much Reform was needed. He believed it to be absolutely necessary; for that House, which professed to be the Representatives of the people of England, had entirely lost their confidence. Upon that conviction he would have voted for almost any species of Reform; but since he had heard the plan of the noble Lord, he had formed a determination to give that his cordial support. As far as he had been able to follow his noble friend's statements, the plan he had proposed appeared to be good in every particular, and he would not trespass further on the time of the House, than to express how happy he was to second such a proposition. He, for one, would fully, heartily, and thoroughly, give his support to this measure, which appeared to him to be the most desirable that had ever been brought forward.

The question having been put,

Sir Robert Harry Inglis said:*

Mr. Speaker;—Few men, I believe, can rise to address the House, excited as it has been by the speech of the noble Lord, without some feeling of self-distrust. Of the cause itself which I advocate—the cause of the existing and ancient institutions of the country—I have no distrust. Yet I own that I approach the discussion of this question with a sensation of awe at the contemplation of the abyss, on the brink of which we stand, and into which the motion of the noble Lord will, if successful, hurl us. With a deep sense, therefore, of the danger of our position, I rise to endeavour to recall to the attention of the House (for on such a subject there can be little novelty on either side) facts and arguments, which, urged in happier times, and by abler men, have been successful in persuading the House to resist measures similar to the present. The noble Lord has stated, that there is one peculiarity in his motion which claims the special attention of the House. I admit it. This is the first time, for nearly fifty years, that any person, invested even with the reflected light of the Government, has come down to the House formally to require the House to declare that it is incompetent to the just discharge of its legislative functions. It is the first time, for nearly fifty years, that the advisers of his Majesty have thought fit to pledge themselves, and to endeavour to pledge their Sovereign, before his people, to the doctrine, “that the House of Commons is unworthy of the confidence of the people;” is unworthy to stand between their fellow-subjects and the throne. The doctrine itself is not new; but it is now brought forward under circumstances so new, as to invest it with a character not more distinct than ill-omened. The noble Lord has also stated, at the beginning and at the end of his speech, that the object of his motion is *demand*ed by the great majority of the people. The noble Lord has talked, not only of the myriads of petitions, but of the millions of those who now come forward, I admit that he added at one time, “for their just requests,” but at another, he said, “to demand their rights;” and when I am told that the people “demand” any thing, I am reminded of Horne Tooke’s expression, that

* From the Speech published by Hatchard and Son, Piccadilly, 8vo.—With additional Notes.

"the people have hands." Sir, I will not say that this language of the noble Lord is absolutely unparliamentary; but I will say, that it approaches as nearly to a threat, as the forms of the House can allow; and, if suffered, will entirely annihilate our deliberative character, and will reduce us to the mere function of speaking the will of others from day to day. But I will, first, examine the fact, and then the inference. I deny the fact; but, if I admitted the fact, I would disclaim the inference. First, then, as to the fact, that the people of England do demand the Reform of this House. I know well that this argument has been often used before, when similar measures were brought forward; but I notice it now more anxiously, because it is the first time that any man connected in any way with the King's councils has come down to this House to influence our deliberations on any measure of the King's Ministers, by proclaiming to us, on their authority, that the people demand its adoption. [Lord John Russell denied having used the phrase in the sense described.] If the noble Lord intended that "the demand of the people" was not, in its beginning and its end, a species of intimidation, I submit to the correction; but I understood, (and, possibly, the majority of those who heard the noble Lord understood) that the alternative proposed to us by this reference to the demands of the people was either submission to those demands, or convulsion if they should be rejected. But to revert to the fact; are the people of England now more clamorous for Reform than they have been on former occasions? Every man always regards his own times as the best or as the worst; he sees what is before him; he forgets, or he never knew what is past. The consequence is, that for a succession of generations we have a succession of declamations about "misgovernment, unexampled decay of trade, profligate expenditure, corruption, &c." so like each other, that it would be really worth while to reprint in 1831 some of the earlier elegies of the ruin of England, changing the date only from 1731 to the present year. So again with respect to Reform,—I will not trouble the House by a detail of the different æras when this cry has been loud, so loud that, if not equal to that now existing, it was at least sufficient to disturb the kingdom, inflamed as it was by statements, that "no

country was ever so ill-governed, no people ever so oppressed, denied the last melancholy privilege of complaining," though, in fact, they were then, as they are now, allowed to make, and were making fearlessly, complaints amounting almost to sedition. Without going back to the time of Bolingbroke and Walpole, I will produce one passage from Burke, which might almost be transferred *totidem verbis* to the present day. "Nobody, I believe, will consider it merely as the language of spleen or disappointment, if I say, that there is something particularly alarming in the present conjuncture. There is hardly a man, in or out of power, who holds any other language." * * * * "That we know neither how to yield, nor how to enforce; that hardly any thing above or below, abroad or at home, is sound and entire; but that disconnection and confusion, in offices, in parties, in families, in Parliament, in the nation, prevail beyond the disorders of any former times: these are facts universally admitted and lamented. This state of things is the more extraordinary, because the great parties which formerly divided and agitated the kingdom, are known to be in a manner entirely dissolved. No great external calamity has visited the nation, no pestilence, or famine. We do not labour, at present, under any scheme of taxation, new or oppressive in the quantity or in the mode. Nor are we engaged in unsuccessful war, in which our misfortunes might easily pervert our judgment; and our minds, sore from the loss of national glory, might feel every blow of fortune as a crime in government."* One should think on reading such a passage from such a man, that the end of the world, or at least of this kingdom, had arrived. Yet, by God's blessing, we survived the crisis, and look back with surprise on the exaggeration which had so described it. Again, read the Yorkshire address, at the close of the American war; look at the addresses from half the counties of England, and at the men who at that day were the leaders of the people.† Look at the declaration of a Lord-

* Thoughts on the cause of the present Discontents. 1770. Burke, 8vo. ii. 219.

† The Duke of Rutland in Cambridgeshire; the Earl of Surrey, afterwards Duke of Norfolk, in Cumberland; Sir Thomas Acland in Devonshire; Sir George O. Paul in Gloucestershire; the Duke of Richmond in Sussex.

Lieutenant that the houses of counter-addressers should be marked; the exhortation to householders to provide themselves with arms; the advice that "each man should keep a fire-lock in the corner of his bed-room, and should learn to fire and charge with bayonet firmly and regularly" against those who in his day resisted this cry of Reform.* Again, more specifically when a bill of Reform was in this House in 1782, we were told, that unless we passed it, we were ruined; we were reminded of the Briareus hands of the multitude; we were told, that we had one hour to deliberate before we surrendered. These were almost the words of Horne Tooke. He is writing to Dunning: "The people must be satisfied in their just expectations, and most surely will be so. Ministers will surely grant with a good grace what cannot be much longer withheld. They will at least, (if not infatuated) catch the present fortunate opportunity," &c. &c. "They will not wait to be received with scorn and hootings for their offer to us of that which we should now receive with gratitude. *I will venture to assert that they have no time to lose.* If they are timely wise, they will yet give to the people their sober, moderate, fair and honest rights."† We resisted the cry, and by God's blessing, we are safe. Again, in 1793 what was the cry? how was it raised, how urged on, how subdued? Look at the words of Condorcet; he was writing on the 23rd Nov. 1792: "Since the explosion of liberty in France a hollow fermentation has shown itself in England, and has more than once disconcerted all the ministerial operations. Popular societies have been established in the three kingdoms, and a Parliamentary Reform has been talked of, (just in the same manner as at the end of the year 1788 we in France talked of the necessity of calling together the States General). It is well known what a number of persons there are who think rightly, and daily enlighten the people of England, and whose opinions furnish subjects for useful disputation. This people, who at once fear and desire such a revolution as ours, will necessarily

See the entire list of forty-one counties in the *Memoirs of Granville Sharp*, 4to, 1820. p. 195.

* The advice of no less a man than Sir W. Jones. *Jones's Works*, iv. 576.*

† Horne's Letter to Dunning, 1782, p. 32—33, 36.

be drawn along by those courageous and enlightened persons, who always determine the first steps; the opening of the Session of Parliament which approaches, will infallibly become the occasion of the Reforms which are the most urgent; such as those which regard the national representation:—*from thence to the entire establishment of a Republic* the transition will be the less tedious, because the foundations of liberty have long existed in England.* That cry for Reform was then raised by sympathy with revolutionary France; it was said triumphantly in France to lead here to a republic; it was urged on here by men of at least as much talent as the present: it was subdued, under a good Providence, by the firmness and virtue of the Government. Again, in 1819, the Manchester meeting was preceded, attended, followed, by almost insurrectionary movements throughout the manufacturing districts. Look at the periodical press of London at that time: is it more formidable now? Yet the danger was met, averted, and beaten down. Look again at 1823, when a foreign excitement was superadded to domestic distress; and the cry for Reform, as "the great remedy," was then also represented to be universal. These are instances sufficient to prove that this is not the first time, when the people have been represented as clamorous for Reform; they prove also that those clamours have been silenced without concession: and I can see no reason why they might not now, whatever be their present violence, be silenced with equal success by equal spirit. "Faction," as Burke has told us,† "will make its cries resound through the nation, as if the whole were in an uproar, when by far the majority, and much the better part, will seem for awhile annihilated, by the quiet in which their virtue and moderation incline them to enjoy the blessings of Government." I do not deny that there does exist at this time, considerable agitation on this subject through the country; a state of diseased and feverish excitement: but I do deny that it is general, in the sense of the noble Lord; and I see clearly the temporary causes in which it has arisen. All are to be found in the three days of Paris; and in the revolution,

* Collection of Addresses, 4to. 1793, p. 10.

† Thoughts on the Cause of the present Discontents, 1770, *Works*, ii. 267.

which, in Belgium also, was the consequence of those days. This effect is not new in our later history; whenever, indeed, there has been any insurrection in any other country—as ten or twelve years ago in Naples and in Piedmont, it has been found to be epidemic, conveyed with more or less virulence and rapidity to other parts, and, as such, brought to this kingdom, by what means, I know not; but this, at least, is clear, that popular movements are found here and in the one half of Europe in rapid succession, whenever they have arisen any where in the other half. I am, therefore, not prepared to admit the statement, that the great mass of the people are eager for Reform. Of this I am quite sure, that the number of public meetings on the Roman Catholic Question, the number of their petitions, the number of names subscribed to them, exceeded all that we have yet seen in respect to Reform. But if I were to admit the fact, that the great mass of the people were now eager for Reform, I should deny the conclusion. This House would not be bound by the cries of a majority of the people to decide in favour of any change. The distinction which I always took as to the value of petitions was this, that where the parties sought for no more than the conservation of blessings which they actually enjoyed, they were entitled to great weight; but, where they sought for change, (change, the nature of which, and the necessity of which, could be ascertained only by deliberation) the petitions of large bodies of men are not necessarily entitled to the same weight as are petitions praying that there may be no change. I never will admit that any man has such good means of judging in respect to what he has not, as in respect to what he has: and, the mere multiplication of numbers, asking for what they have not, can never, without reference to the reasons which they urge, be an argument to which a deliberative body can be justified in yielding. The allusion is almost too trite to be used; but I might remind the noble Lord, that there may be a tyranny of many as well as of one; and that it is as much the part and the duty of a brave and wise man, to resist the *civium ardor prava jubentium*, as the *vultus instantis tyranni*. This House is not a collection of Deputies, as the States General of Holland, and as the assemblies in some other continental coun-

tries. We are not sent here day by day to represent the opinions of our constituents. Their local rights, their municipal privileges, we are bound to protect; their general interests we are bound to consult at all times; but not their will, unless it shall coincide with our own deliberate sense of right. We are sent here with a large and liberal confidence; and when elected, we represent not the particular place only for which we are returned, but the interests of the whole empire. We are sent here to legislate, not for the wishes of any set of men, but for the wants and the rights of all. When usage and legal decisions, superseding an express statute,* now formally repealed, first severed the connection between the borough and the candidate, and left the borough at liberty to choose any man from any other spot, there ceased to be any pretence for regarding the party elected, as elected for a small or for a great place; he became, and now becomes, when he enters this House, the Representative of all the people of England. The words of the King's Writ† to the Returning Officer of us all, are, that he should duly cause election to be made of persons to treat;—not about Newton in Lancashire, or Newton in Hampshire; Newport in Cornwall, or Newport in the Isle of Wight; but about “certain arduous and urgent affairs concerning us, the state, and defence of our Kingdom, and the Church.” If in our conduct there be error, our constituents have their remedy at a dissolution. At that time we surrender our stewardship to those by whom it was committed to us; and receive it again, or not, according to their will, and their estimate of our conduct. The fact is, that no mistakes are more common, or, at the same time, more real, than those connected with the state of the Commons House of Parliament. Men create theories and adore them; they make beautiful statues, and fall in love with them; they raise a golden image, and call on us to worship it. Our system is unwritten—it is to be extracted from our history. The King's Writs, the King's Charters, the Statutes of the Realm, these, and the practice of

* 1 Hen. 5, c. 1. [see 8 Hen. 6. c. 7. §. i.] confirmed 23 Hen. 6, c. 14.; repealed by 14 Geo. 3, c. 58; but Lord Coke holds that a Member sits for the whole Country, 4 Inst, p. 14.

† Roe on Elections, ii, App. v,

centuries, form our Constitution. We have no one formal document, to which we refer as embodying it: we have no authoritative exposition of it. Montesquieu and Delolme are not our authorities; not even Blackstone. Our Constitution is not the work of a code-maker; it is the growth of time and events beyond the design or the calculation of man: it is not a building, but a tree; the constitutions of the other free States in the old and in the new world are the works of art, and have hitherto acted imperfectly, even in the countries to which they are applied; but *that* is not the question here. We are to consider our own condition, and the application of our government to it; and I state distinctly, that, whatever may be the doctrine of others, and however high their names, there is, so far as I know, no evidence that our House was ever selected upon any principle of a Representation of population, or upon any fixed principle of Representation whatever. The noble Lord has said, that he grounds his plan on the practice of our ancestors; and that, on the very system upon which they called on Old Sarum and Gaton to return Members, he calls on Manchester and on Leeds. I can only reply, that I know no record, and can see no probability, to shew that in either of these cases, or in any case, population was an element in the calculation of those by whom this House was first assembled. I know, indeed, that it has been held by no less an authority than Mr. Hallam, "if, on running our eyes along the map, we find any sea-port, as Sunderland or Falmouth, or any inland town, as Leeds or Birmingham, which has never enjoyed the Elective Franchise, we may conclude at once that it has emerged from obscurity since the reign of Henry 8th; "* but I venture to doubt the accuracy of the assertion; and I think I can shew that small towns were preferred, and great towns, towns great at the time, were neglected, a century and a half before the House of Commons of England was full. When the enormous wealth of the Crown†

* Hallam's *Constit. Hist.* 4to. vol. ii. p. 380.

† The fixed annual revenue of the Conqueror, independently of casual profits, is stated to have amounted to 1,061*l.* 10*s.* 1*d.* every day.—Ordericus Vitalis, p. 523. Hume thinks this "wholly incredible;" but, as he admits that the Conqueror "kept no less than 1422 manors in different parts of England," [Hume i. 186, 4to.] the exaggeration is

was in part dissipated, kings, wanting money and men, called together those who were either to supply them, or to bind and influence others to supply them. First, they called the free barons the tenants in *capite*; then the *liberi homines*. My right hon. and learned friend, the member for Knaresborough, opposite, (Sir James Mackintosh,) knows better than most men, as indeed he knows most things better than most men, how small a proportion of the people were these *liberi homines*; they would scarcely make a Scotch constituency. Then "Communities" were called by their Representatives; but arbitrarily, and without reference to numbers; and there is some reason to believe that each community had collectively but one vote; so that where two Members were returned, one voice only was given.* Towns of all classes were confusedly mixed together; and Liskeard, London, and Lostwithiel, are arranged in this order in the earliest Parliamentary Writs which have been published. The most conclusive proof, however, that population did not constitute the basis of our Representation, is to be found in the fact, that almost in the very first day of our Parliamentary History, every county alike sent two Members, and not more than two.†

not likely to be very great. According to the principles of his computation the above sum stated by Ordericus Vitalis, was equal in 1762 to 11,621,910*l.*, see other Estimates collected from Henry, Carte, Lyttelton, and Brady, in Jopp's *Historical Reflections*, p. 33. According to Sir George Shuckburgh's system for calculating the depreciation of money, the revenue of the Conqueror, as stated by Ordericus Vitalis, was equal to 18,000,000*l.* in the year 1800.

* Thus when four Members were summoned from London to attend the Parliament at York, any two of them had sufficient power to do what is contained in the writ, and accordingly two only went. 8 Ed. 2, A. D. 1314. See the most elaborate edition of the Parliamentary Writs, by Francis Palgrave, Esq. who, of rare talent and of rarer acquirements in other pursuits, has in this work produced a proof of almost unrivalled antiquarian labour.

† I am aware that, in 18 Edw. 1. Norfolk, Suffolk, Cambridgeshire, Huntingdonshire, and Cumberland, sent each of them, *three* Knights; and every other county *two* Knights; but the writ went indifferently to them all, to return *two* or *three*; a sufficient proof how little attention was paid to the principle of population. Whatever was the cause of this difference in the counties quoted, it is clear that from the 23 Edw. 1. every Parliament called by a

York and Rutland had from the first (as to the last five or six years they continued to have,) the same number of Representatives: and when the anomalies of our Representative system, as they are called, were corrected in the model Parliament of Cromwell, this inequality was only partially rectified; Lancashire receiving from him four Members, while Bedfordshire had five; Staffordshire only three; while Cornwall had eight; it being certain in some cases, and probable in most of the others, that he, with his Council of State (for he, too, like the noble Lord, had his Committee of Privy Council for election purposes) appropriated the *quantum* of the elective franchise in any place to the prospect of finding "well-affected" candidates to solicit and receive it.* I am not arguing

King of England, has contained two knights, and two only, from each county, great or small.

* The tyranny of the many as of the one, the usurpations under the name of "Rights and Liberties," and the last worst despotism, despotism under the forms and pretence of freedom, may be found in our own history during the great Rebellion: and an exact parallelism with the instances quoted from the times of the Tudors, existed in the Commonwealth. "Their new Major-generals," says Prynne, "in their last elections, prescribed to all counties, and to most cities and boroughs, by letters and lists of names sent to them, what persons they must elect, secluding those they elected which were not in their lists, and caused Sheriffs to return many they nominated, though never elected, but protested against by those who were to choose them."—Prynne's Plea for the Lords, p. 415.

There is reason, indeed, to believe, that all the members of Cromwell's first Parliament were nominated by his Council, and personally summoned by himself. In Peck's *Desiderata Curiosa* there is a Writ, signed by him, requiring Gervas Piggott, Esq. to appear and serve for the county of Nottingham, 1653—See also Whitelock's Memorials, 1652-3. Jopp's *Historical Reflections on the Constitution*, p. 373. And in a late History of Weymouth (Ellis's *History and Antiquities of Weymouth and Melcombe Regis*, 8vo. 1829, p. 44-5,) the following passage appears:—"Oliver Cromwell sent the following prescript to Dennis Bond, whom he had appointed Member for both towns: Forasmuch as upon the dissolution of the late Parliament it became necessary that the peace, safety, and good Government of this Commonwealth should be provided for, and in order thereunto, divers persons fearing God, and of approved fidelitie and honestie, are by myself, with the advice of my council of officers, nominated, to whom the great charge and truste of soe weightie affaire is to be committed,

whether the principle of a Representation, dependent upon numbers or upon property, or upon both, be right or be wrong: but, as the noble person (now the Lord

and having good assurance of your love to, and courage for God, and the interest of His cause, and of the good people of this Commonwealth, I OLIVER CROMWELL, Captain-general, and Commander-in-chief of all the armies and forces raised, and to be raised, within this Commonwealth; do hereby summon and require you, Dennis Bond, Esq. (being one of the persons nominated), personally to be, and appear at the Council Chamber, commonly known or called by the name of the Council Chamber at Whitehall, within the city of Westminster, upon the 6th day of July, next ensuing the date hereof, then and there to take upon you the said truste, unto which you are hereby called and appointed to serve as a member for the borough and town of Weymouth and Melcombe Regis, and hereof you are not to faile.

"Given under our hand and seale the 29th day of June, 1653, O. CROMWELL."

There is a broad margin to the Prescript, and Cromwell's seal, with his own arms fixed on the top of it.

The superscription to the cover is in these words,—

"FOR DENNIS BOND, Esq.

These.

O. CROMWELL."

"Haste Poste Haste
for the special service
of the Commonwealth.")

When, in 1654, Cromwell took one Member from Liverpool, and gave one to Manchester, and called one from Halifax, and one from Leeds, (in 1656 he called *two* from Leeds) he was pleased, nevertheless, to permit Penryn, Totnes, Lyme, and East Grinstead, to retain as much of the elective franchise, (*i. e.* that for one seat), as the "United Cabinet" concedes to the same boroughs in 1831; and he further spared sundry boroughs, which those who in other matters, imitate his model, think it would be "paltering with Reform" to spare: thus Reigate and Dunwich, which had enjoyed the privilege from the first regular formation of the House, 23 Edw. 1. were, notwithstanding that prescriptive right,—an aggravated wrong in the judgment of a modern reformer—allowed to return one Member; and Buckingham and Queenborough, to which the same privilege had been more recently given or restored, were indulged in the same manner: Buckingham, perhaps, because Ingoldsby was to be its member. See what Oldfield calls "Equal Representation of the PEOPLE in the time of the Commonwealth, 1654, in which all the rotten boroughs were omitted."—Oldfield, vi. 316—333. See also, the "List of the Parliament of 1656."—Hatsell, ii. 400—408,

Chancellor) talked in this House of his object being *restoration, not revolution*; as I heard him state in another place, that he was an "enemy to vain and unsubstantial speculations, to rash and untried theories," I call upon his colleagues now to defend this measure, to which he is a party, against the charge which I bring against it, of being a rash and untried theory, of being a vain and unsubstantial speculation, of being founded upon no precedent which ever existed in this country, (that model Parliament of Cromwell, perhaps alone, or in part excepted) of being utterly unlike any thing in any other period of the history of England. I have sufficiently adverted to the slender proof which the Representation of the counties, or of the communities of England, affords to the truth of the doctrine, that their population was the basis of their elective franchise. But, as the noble Lord and Mr. Hallam have said, that, at any rate, great towns were not left unrepresented at any time; and that, in fact, the boroughs, now decayed, and which his Bill is accordingly to sweep away, were once large and flourishing towns, it will not be useless to prove that both propositions are equally incorrect. I will prove first, Sir, that many of these boroughs were small from the beginning. It is not necessary to trouble the House with details as to any, or even to go through the mere names of all: I will take one test, and will apply it to some specimens. Will the House, then, admit that boroughs, which are not market-towns, boroughs which are not even parishes, could ever have been considerable? Now Heytesbury has no market; Haslemere, Newport (Cornwall), St. Michael's, St. Mawes, West Looe, have never been parishes. At no time, therefore, could their importance have required Representation, if Representation were ever dependent upon population: and as their insignificance did not in the first instance exclude them from the rank of parliamentary boroughs, their insignificance *now* cannot—to those who profess not to be innovating, but to be restoring the Constitution to its former state,—be any argument for their destruction. A still more remarkable case remains. The noble Lord has pointed, with the confidence of triumph, to the green mound of Old Sarum, as if the shame and ridicule of it ought to silence us. It is, indeed, the stumbling-block which reformers cast

continually before us: but, whatever Old Sarum is now, there is great reason to think, that such, or nearly such, (at any rate, so far as popular Representation is concerned,) was Old Sarum in the very first day of its parliamentary privilege. Whatever it had been in any era preceding that day, it was probably reduced to a mere fortress in the hands of the King, or of the Earl of Salisbury, at the hour when the first precept was issued to it. This at least is certain, that in one and the same year, the 23rd Edw. 1st, precepts were issued to Old and to New Sarum. The inference is irresistible: those who know any thing of the history of the times, know that as one rose, the other declined; both were not great together. If Old Sarum were then a large city, Salisbury was a village or a hamlet: if Salisbury were considerable, Old Sarum, which was deserted in order to people Salisbury, was already in a state of decay as a town. In fact, nothing but the castle remained; and it was probably invested with the elective franchise, in order that the holder of that castle, the Earl of Salisbury of that day, might place his Representatives in this House. This principle of nomination is mentioned in no very modern description of England, as exercised so openly and so regularly in that very place, that with the permission of the House, I will read the passage to which I refer, from the *Magna Britannia*.

"OLD SARUM.—It has been lately purchased by Mr. Pitt, commonly known by the name of Governor Pitt, who had the famous large diamond. His *posterity now have an hereditary right to sit in the House of Commons, as owners of it, as the Earls of Arundel have to sit in the House of Peers, as Lords of Arundel Castle*."* At what time the purchase in question took place, I know not; but the first Pitt sat for Old Sarum, 1688:† nearly a century and a half ago. How, then, can it be said, that the framers and founders of our Constitution, or, more strictly, those who in every age have guarded, or administered its functions, and especially those who, at the Revolution, restored and established it, ever contemplated a mere unmixed numerical representation of the people as the essential and exclusive character of this

* *Magna Britannia*, Vol. vi. p. 139.

† Whitworth's *Successions of Parliaments*, 1764, p. 206.

House? The history of the elevation of many places to the rank of parliamentary boroughs is uncertain; the principle of selection is lost: while the franchise was a burthen, they were often summoned, or omitted, at the mere discretion of the Sheriff: and when the franchise became a privilege, nothing is more certain than that boroughs were created by the mere will of the King, sometimes at the requisition of a favourite; and, if so, certainly for the purpose of giving to that favourite some interest in the share which this House began to assume in the government of this country: sometimes (more frequently, indeed), to enable the Crown to guard its interests, or advance its opinions in this House, and to prevent its authority from being brought into direct collision with us. Of the first kind, I will mention two or three instances; two boroughs, Corfe Castle, and Bishop's Castle, are said to have been created by Queen Elizabeth at the suit of her favourite, Sir Christopher Hatton, when he received the estates connected with those places. This encouraged other courtiers to endeavour to effect the same; and, in the town-books of Newport, in the Isle of Wight, it is said, that at the procurement of Sir George Carew, the Queen's Marshal, Queen Elizabeth granted to the borough of Newport the privilege of sending two Burgesses.* I am not defending this, though I am perfectly willing to defend it. I say only, that those who talk of *restoring* the Constitution, are bound to shew at what period in our history our Constitution has been purer, or other than at present: except, indeed, that every alleged abuse on the part of the Crown, and of the aristocracy, is now daily diminishing, and every power of the King, and of the Lords, is daily gravitating to this House. Then, as to the other kind—boroughs created by the mere will of the Crown, without any suggestion of favouring the aristocracy,—look at the Cornish boroughs. It has been said by grave and intelligent writers, that the immense disproportion of Cornish Members to those of the rest of England, was owing to the tin-trade of their county, its then great importance compared with the commerce of the rest of England, and the necessity of watching its interests. My answer is, that many of the Cornish places which were erected into boroughs

were fishing villages, without mine, or ship, or work near them. The fact is, that, as the House of Commons rose into importance, the Crown felt it necessary to have its own prerogative guarded here: * and therefore, in its own Duchy of Cornwall, selected certain towns to receive the franchise. These boroughs were, many of them, held immediately of the Crown, others of the Duchy, which was united with it: and if they had not been alienated by grants to favourites, would have given to the Crown a more direct influence in this House than it has ever possessed; the direct influence of property, as now held and exercised by individuals. Am I not then entitled again to ask the noble Lord, at what period of our history was this House constituted otherwise than it is now? or still more, at what period was it constituted with a greater proportion of purely popular influence, and a less infusion of the influence of the Crown and of the aristocracy than I now admit it to possess, and defend it as possessing? If he shall tell me, that he cannot find such a period, I will tell him that the object of his Bill, whatever his intentions may be, cannot, then be restoration; cannot then, be Reform; but, in one single word, is, and must be, Revolution: Revolution, overturning at once the existing influences of property and of rank, leading, ultimately, to the destruction of the other orders of the State. At any rate, and in the first instance, as the noble Lord will himself admit, his measure completely overturns that system of representation, under which, whatever may be its faults in the eye of theory, this country has practically enjoyed blessings above those of any other nation; that system, under which these walls have received, for successive generations, bodies of men, who, whether elected with more or less of the influence of the Crown, of the aristocracy, or of the people, have here displayed more integrity, more talent, more capacity to serve their country, and more zeal to serve it, than have ever been combined in any other assembly, in any other country, in any period of history. But the noble Lord says, that he is applying to the present age the principles by which in the past ages all the great

* The Lord Warden of the Cinque Ports claimed and exercised the right of naming a Baron for each of those ports, till the Statute 2 Will. and Mar. Sess. 1., c. 7. 1690.

* Magn. Brit. i. 592.

communities of England were represented in this House. He says, (as Mr. Hallam, to whom I have already referred, said before him), that, at any rate, however small may have been some of the places to which the elective franchise was given, no great town was neglected; and that, therefore, in a certain sense he may quote authority for taking population as an element in the calculations upon which he forms his new system. The noble Lord asks us not to supply what was formerly omitted; but, acting on former precedent and principles, to grant to great towns successively rising into importance, the franchise, which, if they had been great three centuries ago, they would, as a matter of course, at that time have received. I do not now enter into the merits of the question, whether it be or be not an advantage to Liverpool to have had the scenes of the last election, or to Manchester to have been without the privilege of displaying such scenes every five or six years (this is a question not of fact but of opinion); I do not ask which of the two, Liverpool or Manchester, be the more prosperous; both, at any rate, enjoy great prosperity,—the one, with two Representatives; the other, without any; nor has Manchester ever suffered, so far as I have heard, from the want of having advocates in this House to represent her peculiar wants and interests. I desire only to state, upon the general principle of the noble Lord, that if population and commercial importance confer a constitutional claim to the elective franchise, the great towns in the West Riding of Yorkshire and Lancashire (to some of which he now proposes upon this very ground to extend the elective franchise), possessed the claim three centuries ago, to a degree which few of the Southern boroughs at any period of their history presented. I will take two or three of the towns now favoured by the noble Lord, and will compare them with two or three of those which he proposes to disfranchise.* Halifax had 8,500 in-

* HALIFAX. "As to the progression of population, it is said in the certificate of the Archbishop of York and others, 2 Edw. 4. (1548), that in the parish of Halifax the number of houselyng people is 8,500; and Camden, when he travelled in these parts, about 1580, was informed, that the number of inhabitants of this parish was about 12,000."—Aikin's Manchester, p. 561.

WAKEFIELD. From Leland's description,

habitants in 1548. Wakefield seems, in Henry 8th's time, to have been the principal town in those parts: Sheffield, Leeds, and Bradford were considerable places; and Manchester, in 1580, contained 5,400 inhabitants, and, by tradition, had contained that number for two centuries before that period. Is it said, that the roll of the Representative franchise of England was then full? that it was not possible to do justice to these places without deranging the whole system? Sir, after the date to which I have referred in the case of Halifax, not less than fifty-one boroughs, including fifteen in Cornwall, received the elective franchise; and, after the date to which I have referred in the case of Manchester, though Manchester was not added to the list, Beeralston,

it seems in his time (Temp. Hen. 8.) to have been the principal town in these parts. It is called by him "a very quicke market town, and meately large."

MANCHESTER. I might have taken a much higher estimate of the population of Manchester. In 1580, the births were 206; the burials 158; the marriages 50:—now, in 1780, the baptisms were 1 in 30; the burials 1 in 40; the marriages 1 in 120; the application of this proportion would give from 6,000 to 6,320, for the population of 1580. Now to contrast these great towns, from which the franchise was withheld in the sixteenth century, with some of those, to which it was granted in that century.

WEST LOO. Port Pigham, alias West Low cannot boast of any antiquity, because it has no parish church, which, says Leland, is a certain sign that it is a new town sprung from a small hamlet. It is in the parish of Taland, a small town a mile distant, where the inhabitants go to church, and bury their dead, for in this village there is not so much as a chapel remaining. We find that there was one in the time of King Henry 8th; but being desecrated at the dissolution of Chanteries, was probably turned into the Guildhall of the borough, as tradition reports. It was incorporated by Queen Elizabeth, February 14, 1571, having nearly twenty years before been invested with the elective franchise, by Edward 6th.—Magn. Brit. i. 342.

ST. GERMAIN'S, "but a poore fischar towne. The glory of it stoode by the priory;" this is Leland's account (Temp. Hen. 8) Itin. iii. 20. It was made a Parliamentary Borough a few years afterwards by Edw. 6th.

ST. MAWES is a small hamlet,—has neither church nor chapel,—Magn. Brit. i. 348.

I may here remark, that Leland takes no notice of the towns in Cornwall being Parliamentary Boroughs: indeed, I think, he never mentions Parliamentary Representation any where, as giving importance to any place,

Haslemere, Newton in Hampshire, and Whitchurch, (all of which are small towns now, and were small towns then), and ten other boroughs, were created by successive Sovereigns. Is it said that no man ought to be taxed, except by laws, to which, either by himself or by his Representatives, he has assented, (the doctrine of *Taxation, Tyranny without Representation*, which the noble Lord has revived)? I ask a question, to which I have never heard an answer: what, then, becomes of the *minority in a contested election*? If the principle be stated thus broadly, the minority are not only excluded from the practical benefit of voting, but are taxed by laws made by a man whom they specifically have rejected, and are governed not only without their choice, but against their choice. In the county with which I am most connected, one contest terminated in the return of one Gentleman by a majority of one; in a borough which I need not name, the same thing happened eight months ago; if the 490 electors who voted for one person (491 voting for the other) are unrepresented, and ought not therefore to be taxed, how can you ever secure, except to a bare majority of the people, that right, the exercise of which is said to be so indispensable, as the condition precedent to any obedience on their part? In Scotland the case is, if possible, stronger: in the last year, in one county, the election was decided, as by Scotch law, it may be decided, by the casting vote of the Chairman, the numbers being equal; are not those who voted for the unsuccessful candidate as much unrepresented, as if they never had enjoyed the franchise; are they not, if the noble Lord's doctrine be correct, as little bound to obey the laws or to pay the taxes, as if they had not been mocked by a nominal right to choose a Member on their part to make those laws and to impose those taxes? The truth is, that the doctrines of an elder and better age might be revived here with great advantage to all parties; and men might learn not only the practical impossibilities, but even the theoretic absurdities of the thesis, that no man is bound, except by his own act, or by that of his agent, to obey any law. I deeply lament that such a doctrine should have been promulgated in such a place, by such a man as the noble Lord; because I am satisfied that it has, at all times, and more particularly now, a tendency to make the

people not only discontented with their state, but, in overt act, disobedient to the laws. The real fact is, that population never was the basis of our representation; property never was the basis of our representation; our Constitution was not the work of any single person, or Assembly, or Committee; our Alfreds, our Edwards, our Henrys, divided the country, or gave franchises, or withheld them, after their own will and fashion; or, at least, by no calculable rule: but the freedom of their people, was secured not by lines and squares, and rules of arithmetic, but by that people retaining the power of the purse, and thus making it impossible for the liberties of England to be overthrown by a sovereign dependent mainly upon his subjects for his revenue. The Constitution of England was fixed at the Revolution, and at the Revolution only.* Since that time the Crown has not claimed the right of creating boroughs; and probably would not be advised to confer that right by its mere charter. It may therefore be held, that the House of Commons, as it now exists, is the same, practically, as has existed since the Revolution; *only*, that it is more popular. It has adapted itself, almost like another work of nature, to our growth. How different is the county representation of England now from what it once was, how little are the country gentlemen now in this House like those a century ago; how have they grown with the growth of the country; how completely do they now reflect, in their own intelligence, the mind of their constituents, as well as advocate their local wants! Such, generally speaking, as the House of Commons is now, such it has been for a long succession of years: it is the most complete representation of the interests of the people, which was ever assembled in any age or country. It is the only constituent body that ever existed, which comprehends within itself, those who can urge the wants and defend

* The doctrine, that the House of Commons, constituted now exactly as at the Revolution, or, if otherwise, more popularly,—does not represent the people, comes ill from the descendants and followers of the Whigs who framed the Bill of Rights, in the preamble of which it is stated, that the Lords spiritual and temporal, and Commons then assembled at Westminster, did lawfully, fully, and freely represent all the estates of the people of this realm.—Preamble to the Bill of Rights.

the claims of the landed, the commercial, the professional classes of the country; those who are bound to uphold the prerogatives of the Crown, the privileges of the nobility, the interests of the lower classes, the rights and liberties of the whole people. It is the very absence of symmetry in our elective franchises which admits of the introduction to this House of classes so various.* This *concordia discors* opens the door to the admission here of all talents, and of all classes, and of all interests. How far, under any other than the present circumstances, the rights of the distant dependencies, of the East Indies, of the West Indies, of the Colonies, of the great Corporations, of the commercial interests generally, of that vast species of property created within the last 150 years, I mean the funded debt of England, could find their just support in this House, I know not. I am certain, that if all the Members of this House represented the *landed interest* exclusively, the trade and manufactures of the country would be pressed down by restrictive laws alike intolerable and impolitic; if, on the other hand, mere *population* were the basis of the representation, the Members sent here would vie with each other in a clamour for cheapness, to the destruction of the only permanent interest, the agriculture of England. All interests, said Burke, must be *let in*. His

* In one place, we have burgage tenure; in another, a close corporation; in another, an open corporation; in another, scot and lot; in another, universal suffrage; something to please every body, and to catch every body. This was the case from the beginning. I have looked into the rights of voting in different places which received the elective franchise in one and the same year. I took, alphabetically, the nine first boroughs created in one and the same year of one prince, namely, in the 23rd Edward 1; and I found that, at this day at least, no one of them appears to be invested with the same particular kind of franchise: they were as follows:—

		Number of Voters in A. D. 1795.
Andover	Bailiff and select Burgesses ..	24
Appleby....	Burgage tenure	120
Arundel....	Scot and Lot	200
Barnstaple..	Corporation and Burgesses ...	385
Bath	{ Mayor, Aldermen, and } Common Council	30
Bedford ..	{ Burgesses, Freemen, and In- habitant Householders, } not receiving alms.	1000
Bedwin ..	{ Freeholders and Inhabitants } of ancient Burgage- messuages.	80
Beverley ..	Burgage-holders	1000
Bletchingley, Borough-holders		90

words are, “a great official, a great professional, a great military and naval interest, all necessarily comprehending many men of the first weight, ability, wealth, and spirit, has been gradually formed in the kingdom. These new interests must be let into a share of representation.” The present system, I have already said, admits all classes, lets in all interests, and invites all talents. Under that system men of abilities are introduced to the House, without the necessity of mob patronage, or the profession of mob oratory. It is only under a system like the present, that men, unconnected by birth or by residence with counties or large towns, can ever hope to enter this House, unless, indeed, they should be possessed with that spirit of mob oratory, which is continually exerted, even now, for the purpose of inflaming the multitude, and which will hereafter, by the proposed Bill, have a double object and a direct reward, in the attainment of a seat within these walls. Under the existing system, young men of talent try their force here, by entering the House in these less popular modes; and, as has been said by Mr. Escott,* in his admirable pamphlet on Reform, they are not among the least respectable or the least useful Members of the House. It connects, too, those of high birth with the Commons of England, and prepares them by habits of business here for their hereditary functions hereafter. Let any man compute the wealth of those who thus enter this House, and he will be prepared to state the interest which such men possess in the well-being of the State, and the pledge which they give for the discharge of their public duty. In this way many of those who, (sitting for close, or for rotten boroughs, as they have been this night designated for the first time by the representative of the King’s Government) have constituted the chief ornaments of this House in the past and present age, have entered Parliament; many of whom, if this way had been closed, would never have entered these walls. There is no one man, I think, of all now sitting here, who has taken any prominent part in the proceedings of this House, my hon. friend the member for Kent, and my hon. friends the members for Devonshire, and Staffordshire, and Cornwall, and the hon. and learned member for Water-

* See also Windham, iii. 261.

ford, excepted, (I scarcely recollect any other) who has not entered this House, as the Representative of a small borough. The hon. member for Middlesex is certainly not an exception. I will ask the noble Lord by what other means the great Lord Chatham came into Parliament? By the bye, his earliest seat was, I think, for Old Sarum itself. Mr. Pitt sat for Appleby; Mr. Fox came in for a close borough, and when rejected by a populous place, took refuge again in a close borough. Mr. Burke sat for Wendover, from which, having distinguished himself in this House, he was transferred in his glory to the representation of Bristol. Mr. Canning, who had once sat for the same Wendover, was transferred in the same way to Liverpool. Would these large places ever have thought of selecting Mr. Canning, Mr. Burke, or Lord Chatham, if these great men had not previously had an opportunity of shewing their talents in this House? In later times, Mr. Windham, Mr. Brougham, Sir Samuel Romilly, (I speak not of existing ornaments of this House, whom we owe to this system,) all came into Parliament by the introduction of great men; some, indeed, it is understood, by another influence. Waving the consideration of the value of these distinguished men in giving credit and character to the House, and in extending thereby, throughout all ranks, a confidence in its proceedings, let us advert for a moment to a different, but still very important class. The noble Lord has stated, that the professional class to which I allude, the class of lawyers, of merchants, and of bankers, will certainly get into this House: but he has not been pleased to explain, or even to suggest by a hint, the mode in which this object is to be obtained. That the object in question is not only desirable but most important, those who join in our debates, and who know that law, commerce, and finance, are subjects often long and deeply discussed in this House, will fully feel; and they will admit that it is justly important to secure, if it be possible, the assistance of parties connected with these professions. I have already referred to the importance of centering in this House, together with the representatives of every other interest, those who may be in a certain sense the representatives of the distant dependencies of the Crown. How can such men expect, except by the present system, to

obtain an entrance into this House? Let it not be said that, in arguing thus, I am arguing in favour of a system of corruption. I never will admit that it is corrupt: if any man will satisfy me that it is corrupt, necessarily and in practice, that it necessarily involves any breach of personal duty, I will be one of the first to say, that it never can possess such practical advantages as to justify its continuance. But I mean to contend, that the influences which now exist, have existed from the time when the Constitution received its present character, namely, at the Revolution; I mean to contend, that under this system the House of Commons has attracted all those varied and combined talents, and that mass of intelligence, which are so essential to the discharge of our duties; and which, under any other system, would too probably be excluded from our deliberations. I know that I may be told, that such *ought not* to be the constitution of the House. Sir, let us understand the question put to us: *are we restoring, or are we constructing a House of Commons?* The noble Lord says, that we are restoring the constitution. I am, then, entitled to ask, to what period does he go back? When was the constitution of this House other than it now is, when, at least, was it better and more popular? To that year, and to that day, I am at once content that we shall return. But unless I shall be told in something more than vain declamation, until, indeed, I shall be convinced, by regular evidence, that there ever was a time when this House was independent alike of the Crown and of the Aristocracy, and represented purely and solely the will of the people, I, for one, will be content with that "old almanack"—history, and will continue to contend that such a state of things never did exist. I might, indeed, easily point to periods when, in many respects, this House was very differently circumstanced from what it is now, in fact, and from what it ought to have been according to the noble Lord's theory. Sir, if no man can shew me a better Parliament than the present, I can easily shew any man Parliaments far worse, more dependent on the Crown, more dependent on the Aristocracy, more corrupt by money, by places, by party. Will any man tell me seriously, that the influence of the Crown is more now than it was in the last century, in the packed

Parliament of James 2nd? What should we say of a House of Commons ("we, your poor Commons," as they call themselves in another place*) approaching the King on the knees of their heart, as in the time of James 1st?† Is the golden age of the House of Commons, the model of our free and independent existence, to be found in the age of Elizabeth? In that age, the Commons were, by her order, restrained from even treating on some points: "If any Bill relating to matters of state, or reformation in causes ecclesiastical be exhibited," says the Speaker, "I am commanded, upon my allegiance, not to read it." Again, as I am reminded by a friend near me, she directed the House "not to interfere in matters connected with her prerogative royal." And again, on another occasion, when this House had exceeded its powers, "Mr. Vice-chamberlain, by the Queen's command, shewed to them her great admiration," not in the eulogistic sense of the word, "of the rashness of the House." The House agreed that Mr. Vice-chamberlain should carry their submission to her Majesty.‡ What would be said in this House now to such speeches as were then made in it, or to such conduct as that of the Lord Treasurer Burleigh, who directed the Sheriff of Surrey to amend his return for Gatton, by substituting the name of Edward Brown, for the name of FRANCIS BACON.§ Again, was this House more independent of the Crown in the time of Mary, when she sent circular letters to the sheriffs desiring them to return persons well affected to the old religion?|| Yet this was not without a precedent: in the time of Ed-

ward 6th, the King not only sent circular letters to the sheriffs, desiring them to return proper men; (intimating, indeed, his pleasure, that "when our Privy Council, or any of them, within their jurisdictions, in our behalf shall recommend men of learning and wisdom, in such case their directions be regarded and followed;") but, in the case of eight contiguous counties, beginning with Surrey, actually named the Members to be chosen: "being such as belonged to the Court, or were in places of trust about the King."* In the same reign, this House asked leave to treat on some particular points. This evidently appears by our own Journals, the words of which are as follows:—"18 Nov. 3 Edw. 6th. It is ordered, that Mr. Speaker, with such members of the King's Privy Council of the House, and twelve other of the House, shall be suitors to know the King's Majesty's pleasure, if, upon their humble suit, they may treat of the last relief for clothes and sheep, at four of the clock afternoon:" and Nov. 20, "it is reported by Mr. Speaker, the King's pleasure to be by his Council, that the House may treat for the act of relief, having in respect the cause of the granting thereof." These things are of no consequence, of course, if you tell us at once that you are making a new constitution: but, if you tell us that you are restoring the old constitution, and replacing this House in its original independence and purity, we are well entitled to ask, in respect to successive periods, is this, or is this, the æra of your perfection, to which we are to return? Is, then, our *beau idéal* of the House of Commons, that state to which we are to bring it back, to be found in the time of Henry 8th? The instances connected with his reign are too well known to be quoted.† Do those who talk of the good old times of the constitution, refer to the time of Henry 4th, when he directed the sheriffs to take care and return no lawyers to Parliament: or are we to find the glorious independence of this House in the reign of Richard 2nd, when an unfortunate Member,‡ (I refer to the case of Haxey), a

* Hatsell, I. 234.

† There is one proclamation of James 1, 1604, directing the sheriffs to what burghs they should omit sending precepts, under pain of his heavy displeasure; [Atterbury on Convoc. p. 423, in Ellys's Tracts, part 2. p. 129.] and there is another proclamation, 6 Nov. 20. James 1, in which the voters for Members of Parliament are directed not to choose "curious and wrangling lawyers, who may seek reputation by stirring needless questions."—Barrington on the Statutes, p. 373.

‡ Bp. Ellys, Part ii. p. 94. from D'Ewes' Journal. p. 470.

§ Harleian MSS. DCCIII. 16. in Hallam's Constitutional History, 4to. i. 285. The proprietor of Gatton was then a minor.

|| Strype's Memorials, III. Part ii. p. 244—246. Bp. Burnett's Reformation, Part ii. p. 251, in respect to the effect of that letter.

* Strype's Memorials, Vol. II. Part ii. p. 64—66.

† When the Commons hesitated about passing his Bill for the suppression of the monasteries, he sent for them into his gallery, and said, that if they would not pass his Bill, he would have their heads.—Spelman on Sacrilege.

‡ It has been held by some that Haxey was

clergyman by the bye, for *inquiring into the Civil List*, was, by the King's orders, expelled, and committed to the Tower, and would have been executed, but for his priesthood? I do not think that either the First Lord of the Admiralty, or the hon. member for Middlesex, would prefer that period of our history, when a Member was imprisoned for a Motion on the Civil List. Or shall we go back still further, to that reign, when we excused ourselves to the King, as too weak to discuss such a weighty matter as the treaty with France? The fact is, that every year we have been becoming more independent of the Crown; the power of the Crown has been diminishing day by day; the prerogative has almost ceased to exist, and the influence is curtailed on every side; and this House is almost assuming all the functions of Government. I could go on, multiplying almost without limit, instances of our early dependence and insignificance, and contrasting them with our present power, and could thus strengthen the proof, that, if we are to bring back the constitution to its state in any past age, we shall bring back our own subjection; but they must be fresh in the memory of those who are competent to form a judgment upon the subject. Indeed, I should not have referred to them at all, if the noble Lord, not content with confining himself to the abstract merit of his proposition, had not gone back to statutes and to history in defence of it. The noble

not a Member of the House of Commons, but a proxy of the Earl Marshal (Earl of Nottingham) in the House of Lords [Christian's note to Blackstone, i. 175, Ed. 1809.] The Committee of the House of Commons, in Horne Tooke's case, reported, that, though the returns of 20 Rich. 2. were perfect, the name of Thomas Haxey was not to be found therein; [see Reports, Vol. xiv, 150-162] but nothing can be clearer than the fact, that, in the same way, he acted as a Member of the House of Commons, the only point, which, in the above reference to his case, I am concerned to prove. The King required the Commons to give up the name of the party who had brought in the Bill, *qui avoit baillé la dite bille*, and they return the name of Thomas Haxey, Clerk. [see Rot. Parl. III. p. 339-341, 20 Rich. 2.] The document, to which Christian refers in Rymer VII. 844, as being a proxy to enable Haxey to vote for the Earl Marshal in the House of Lords, is only a general power of attorney to enable another person, (Sir W. Bagot) in conjunction with the said Thomas Haxey, Clerk, to act on behalf of the said Earl,

Lord having, then, brought forward his references, I have felt bound to adduce others, so conclusive, as to justify me in asserting, that, at no period of our history, was this House more independent of the Crown than at this moment. But perhaps it may be said, this was at any rate a dignified submission; it was not to a mere oligarchy of their fellow-subjects that the people of England were subjected. Sir, was the influence of the aristocracy less in the day when Essex, in the time of Elizabeth, desired that his kinsman might be returned for Stafford, and *his servant* for Tamworth? was it less, when a Duchess of Norfolk, a Duke of Norfolk, and a Duke of Suffolk, had regularly settled who should sit for the county of Norfolk, and condescended to add, also, who should sit for the borough of Malden? I say nothing of the celebrated letter of "Anne Dorset, Pembroke and Montgomery," which, while it proves that she would not nominate the candidate favoured by the Crown, proves also that she would appoint her own. I need almost as little mention the fact, that for thirty-six years, the attorneys of certain great proprietors in Yorkshire, by quietly interchanging their powers in London, kept the representation of that county in their own hands.* Is not this fact, when contrasted with the present state of Yorkshire, sufficient to show how much we have gained in the present time, in our independence both of the Crown and of the nobles? At no period, I repeat, was the influence of the Crown and of the aristocracy less than it is at the very moment when the noble Lord comes down on the part of the Government, and proclaims to us that the existing system is unfit to stand; that we are unworthy of the confidence of the people, even if we have not directly betrayed our duty. Every other influence in this House, except the popular influence, is diminishing day by day. One great fault which I find with the present Ministers, a fault which I found, too, with their predecessors, is, that by a continual reduction of places in the gift of the Sovereign, they are diminishing the little influence which had been left to that Estate. Unless we are prepared to restore to the Crown, in respect to the measures of the two Houses, the exercise of its negative, (which, by the way, the Crown has never formally renounced, though

* Henry's History, x. 59.

it may have waved the right to a certain extent, by forbearing to exercise it, since the reign of William 3rd), we must allow the influence of the Sovereign in this House. Unless, again, we are prepared to admit the collision of the two Houses, we must allow the influence of the aristocracy also here, which breaks the force, or rather lessens the chance, of that collision. But the present Ministry are sacrificing both considerations. They are yielding to a clamour for retrenchment to an extent which must either impair the public credit, or destroy the efficiency of the public service, and for Reform, which must hazard the just rights of the Crown, and the interests of the whole State:—and this, at a time when, I repeat it, in my conscience I believe, the power of the Crown, and the power of the peerage are less than, with one memorable exception, they have ever been in the history of England. But it may be said that this House, though less controlled by the direct violence of the Crown, than under the Tudors and the Stuarts, and less openly, or in a less proportion nominated by Peers than at any former period, is internally more corrupt, and, therefore, more unfit to be trusted with the rights and interests of the people. Now, Sir, *corruption must be of three kinds, by money, by places, or by party*: first, as to *money*, is there any man in or out of this House, who can point to any Member and say, that he believes that on any one question of public polity for the last fifty years any thing in the shape of money has ever been tendered to him? The thing is impossible; the thing was not impossible two generations back. It is well known, that till the time of Mr. Pitt the loans were taken by private contract; it is not less known, that Members of this House, in the habit of supporting the Administration of the day, received their respective shares: and it has been said, that memoranda of the *slices*, as they were called, were distributed by a particular person on a well-known spot near this House. The Administration of Walpole may, or may not, have been venal; but, as to the time of James 2nd, no one, who knows the extent of his secret service-money, 90,000*l.* of that day, one-twentieth of the whole revenue, can doubt of the purposes to which it was often applied. The secret service-money of the present day, the utmost which any Minister or any King can now employ, is not the tenth

part of the value of that sum:—is not the seven hundredth part of the revenue.—“*But the House is corrupted by places.*” Sir, there never was a time when so few placemen sat in this House as now. There might have been, at one time, some pretence for the charge that the House of Commons was filled with the creatures of the King; that time has long since passed. Let any man look into the old editions of Chamberlain’s Great Britain, let any man look into Burke’s speech on Economical Reform: and he will see the places under the Crown which then were occupied by Members of this House.* At that time, I think, the King’s Letter-carrier was a Member of Parliament. And we all remember Mr. Burke’s complaint, that the affairs of the King’s kitchen were greatly deranged, in consequence of the King’s turnspit being a Member of Parliament. Are such places in the disposal of the Crown now? Are not these means of influence, corruption if you please, diminished daily, either by extirpation, or by reduction of emoluments; and is the system advancing? A few nights ago, I heard an hon. Member say, in the debate on the Civil List, that it was idle in the present day to talk of Ambassadors as the servants of the King. “*They belong to the nation.*” Where, Sir, I reply, are we to stop?—To what are we to reduce the Sovereign? If the King have the sole power, by virtue of his prerogative in every age of the Constitution, to make peace or war, it is not only fit and proper, but necessary, that he should also have the exclusive power of appointing and of paying those who are to represent him in negotiations which are to terminate in peace or in war. I advert to this point, only as an evidence of the spirit now abroad, hostile to every ancient institution, and every established power.—Now, *as to the corrupting influence of party*: it is one of the misfortunes of the times that there are now no leading men, on either side, under whose banners others will range themselves with confidence; and

* In the first Parliament of George 1. there were 271 Members of Parliament holding places under the Crown. In the first Parliament of George 2. the number was 257. [See Parl. Paper, No. 569, ordered to be printed 16th July, 1823.] In the first Parliament of George 4. the utmost number was 109, including every officer in the army and navy. [See No. 542, ordered to be printed 9th July, 1822.]

will thus give character and steadiness to the Government, or consistency to the Opposition. *We are, in fact, as independent of parties as of places.* Formerly, we know that very few Members, perhaps forty, were wont to address the House; now the speaking Members are probably not less than 400; of the Representatives of the sister country, not four, perhaps, out of the hundred, are silent. As to particular acts of party, it is better to see how far the feeling operated formerly even in judicial matters, and thence to collect how far it would act in mere politics. Every one knows that election cases were decided by the single influence of party; that they were mere trials of strength in this House; and that the measure which overturned the Ministry of Walpole, the Chippenham case, was one upon which, in this day, no man, whatever his politics might be, in respect to the sitting Member or the petitioner, would suffer himself for one moment to consider any thing but the law and the facts.* The Reformers will, perhaps, admit, that "the House is less under the influence of the Crown, and of the aristocracy; is less corrupted by money, by places, or by party; but it is, after all,

* The corruptions of *party spirit* within the House, in matters of elections, began early, and continued to the time of the Grenville Act. "The Commons" says Prynne, "began to seclude one another upon pretence of undue elections and returns, in Queen Elizabeth's reign, but not before; which they have since continued, and *that* rather to strengthen or weaken a party in the House, than to rectify undue elections and returns, which a good act would easily do."—[Prynne's Plea for the Lords, p. 413.] Johnson's account brings the history down to the Grenville Act: "With what imperious contempt of ancient rights, and what audaciousness of arbitrary authority, former Parliaments have judged the disputes about elections, it is not necessary to relate. The claim of a candidate, and the rights of electors, are said scarcely to have been, even in appearance, referred to conscience; but to have been decided by party, by passion, by prejudice, or by frolic. To have friends in the borough was of little use to him who wanted friends in the House; a pretence was easily found to evade a majority; and the seat was at last *his* that was chosen, not by his electors, but by his fellow-senators."—[The Patriot Johnson's Works, viii. 153.] Sir George Meggot, indeed, was committed, in 1695, to the custody of the Sergeant, for having scandalized the House by declaring, that without being duly chosen, he had friends enough in the House, to bring him into the House. Journals, xi. 371. Hatsell, i. 300.

independent of the people; it does not represent their will or their wants; it is an oligarchy tyrannizing alike over the King and the people." In answer, I will state two facts, each conclusive. 1. As to the influence of petitions upon this House. Here I know I am on difficult ground; but, at any rate, I may state, that the people generally suppose that their petitions will have some weight; whether such weight may, or may not, turn the scale: and the noble Lord is not the man, who, on this occasion at least, will undervalue the general effect of petitions upon this House. This effect did not exist a century ago. Whole volumes of the Journals may be turned over without discovering a petition upon any public measure: and by the discussion which took place on the famous Kentish Petition, in 1701, it is clear that a county petition (it was, I think, from the grand jury,) was a very rare occurrence. The first instance in which the people approached this House with frequent petitions, was on the discussion of the great question of the abolition of the Slave Trade; how continued have been their petitions on every subject since, our proceedings will, at a glance, prove. 2. But there is an influence immeasurably greater upon this House than that of direct petition: it is the influence of the Press. This is the real control, to which we all look, more or less; and when the noble Lord, a few years ago, enumerated the vast increase of the power of reading, by education, and of the means of reading, by newspapers, circulating libraries, and cheap editions, and argued from this that the people were more fit to receive an increase of their power, it was quite evident that if he had proved any thing, he had proved that they already possessed that power. The Press governs us, not in this House only, but in half the actions of public men. The man who can read, and the man who can print, exercise a powerful influence over every thing in or out of this House. For good or for evil the fact is so; and, therefore, I contend, that the people, by means of the Press, do at this moment exert an all but overwhelming influence over this House. Whatever is said or done by any public man, is conveyed, by the Press, to the world, with the rapidity of lightning, and is subjected to the strictures of the people. Nor are those strictures confined to this country. They are circulated in the most

remote and distant regions of the earth, wherever the British name is known, or its language spoken. This fact, particularly in reference to our own country, has caused us to be feelingly alive to all the wishes and wants of the people. It is not to the myriads of their petitions, or to the millions of their hands, that we yield. This House yields, when it yields at all, to the reason and the argument by which those wishes and those wants are enforced. So much for the general Press: now, as to the periodical Press. Sir, there is a very convenient fiction, with which every hon. Gentleman who hears me is acquainted, namely, that the proceedings of this House are hermetically sealed; but by the same convenient fiction, the seal is broken by unknown hands, and every thing which passes at night in this House, appears on our tables the next morning; and is thence carried over the whole world. Formerly, within two generations (some Members possibly remember the time), the debates in Parliament were published, as the debates of a certain political club; and the speakers appeared under Roman names, Cicero, Cato, Hortensius, Atticus, &c. This was in the London Magazine. How completely lost in such concealment was the responsibility of a Member to his constituents! In another work, our proceedings were described as the proceedings of the Hurglibs and Colnabs, (I forget the exact names). In both cases, the concealment was sufficient to shelter a speaker here from the observation, the personal recognition at least, of his constituents, and of the public. Is the notoriety of the present day no control which the people exercise over us? I may add, as some proof, how little the public formerly took an interest in the proceedings of the House of Commons, that, I think, even Johnson, whose "Debates" are well known, never himself was present at any one debate. I think, indeed, that, as in the case of the merchants, to which Glover refers, those only, who had some local or personal interests depending, cared to attend. The House has already indulged me so long, that I am very unwilling to trespass farther on their kindness; but there is one point in the change now proposed, which, in my view, is so deeply and vitally important, that I must beg permission to state it:—I mean the possibility or impossibility of the co-existence of a monarchy with a free Press, and a purely

popular Representation. Sir, I am fully persuaded that a representative system, so exclusively popular as that which the noble Lord wishes to introduce, has never yet been found in juxta-position with a free press on the one hand, and with a monarchy on the other. We have one memorable example in our own history. When the House of Commons of 1648 declared, that being chosen by the people, they had the supreme authority of this nation; when they had resolved, that whatsoever is enacted and declared law by the Commons of England, assembled in Parliament, hath the force of law, and all the people of this nation are included thereby, although the consent and concurrence of the King and House of Peers be not had thereunto, on that very day they murdered their King, and voted the Lords to be useless and dangerous, and therefore to be abolished.* I say, Sir, that in proportion as you add to the power of this House, and in proportion as you add to the power of the people upon this House, you risk the existence of the other branches of the Constitution. "I cannot," said Mr. Canning, "conceive a constitution, of which one third part shall be an assembly delegated by the people, not to consult for the good of the nation, but to speak, day by day, the people's will, which must not, in a few days' sittings, sweep away every other branch of the constitution, that might attempt to oppose or control it." The thing may not happen to-day or to-morrow, but I am firmly convinced, that, if the measure of the noble Lord be carried, the shock will be found, in ten years, to have been decisive. I am bound to add, that personally, I do not entertain this apprehension; because I have a perfect conviction (and, if I may say it without offence, the noble Lord feels it equally), that the

* Rapin, ii. 574; "An independent House of Commons is no part of the English constitution, the excellence of which consists in being composed of three powers, mutually dependent on each other; of these, if any one was to become independent of the other two, it must engross the whole power to itself, and the form of our Government would be immediately changed. This an independent House of Commons actually performed in the last century, murdered the King, annihilated the Peers, and established the worst kind of democracy that ever existed; and the same confusion would infallibly be repeated, should we ever be so unfortunate as to see another."—See also Soame Jenyns's Works, ii. 245-6.

measure cannot be carried; but I feel sure that, if it were carried, the consequences which I predict would follow, as certainly as any effect follows any cause. The example of the Cortes of Spain; the example of Sicily, as I am just reminded by an honourable friend; the example of the National Assembly of France; the example still more recently of the Chamber of Deputies, though *their* work is as yet only half done, will prove how utterly impossible it is, to find a purely popular legislature in co-existence with a monarchy, — with anything more than the presidentialship of a republic. In France, the attempt to have an uninfluenced and unmodified representation of the people by the side of has advanced far enough: it has already a King, has terminated (I ought not to say “terminated,” for the end is not yet arrived), interrupted the progress of greater prosperity in every branch of commerce and of industry than France had ever enjoyed at any former period: and an approximation to the same transfer of power in this country will too certainly lead us to the same unhappy consequences. For what is this measure? Is it a slight change in our internal condition? is it not a vital and fundamental change? Forty years ago, the noble Lord now at the head of his Majesty’s councils declared, that the measure, which at that time he proposed, involved (the words are remarkable, and were noticed at the time), “a fundamental change of the government” of the country.† What less can be said of a measure, which at once strikes off a third of those who now sit in this House; which by two processes transfers the seats of 168 Members and permanently vacates the seats of 62, others? which leaves scarcely three constituencies in the empire the same as it found them? I remember an expression, the other day, of the hon. member for Middlesex, on presenting a petition, complaining of the interference of a peer in the election of a Member of this House, “Sir, we don’t want peers here: let them

go back to their own House.” Let me tell the hon. Member, with all courtesy, but with all plainness, that either he means more than he says, or he understands not what he does say. If he, and “the movement” men, whose language he speaks, shall succeed in sending the peers back to their own House, let me assure him, that those who act with him will soon take that House from them. Whatever the intentions of the framers, or of the supporters of this measure may be, I am quite sure, that, if carried, it will sweep clean the House of Peers in ten years. It is possible that hereditary titles may not be abolished; it is possible that, as was seen on a former occasion, when the House of Lords had been declared useless, some Earl of Manchester, or Lord Saye and Sele, or Earl of Pembroke, may take their seats as Members of this House; it is possible even, that the House of Lords may have a nominal existence; but its real conservative power, its distinct and independent legislative character, is gone. I call upon those who are supposed to represent the mind, and to advocate the opinions of Mr. Canning, to answer his words on this subject: “They look far short of the ultimate effect of the doctrines of the present day, who do not see that their tendency is, not to make a House of Commons, such as in theory it has always been defined, a third branch of the Legislature; but to absorb the legislative and executive powers into one; to create an immediate delegation of the whole authority of the people; to which, practically, nothing could, and, in reasoning, nothing ought, to stand in opposition.”* I have less

* “From the period when the new and alarming era of the French Revolution broke in upon the world, and the doctrines which it ushered into light laid hold of the minds of men, I found that the grounds, upon which the question” (of Reform) “rested, were essentially and fundamentally altered.”—Pitt’s Speeches, iii. p. 131. On Mr. Grey’s Motion, 26th May, 1797.

† Hansard’s Parl. Hist. Vol. xxx. (1793,) p. 800.

* Canning’s Speeches, vi. 361—4. [Speech at Liverpool, 29th June, 1818.] “The Reformers are wise in their generation. They know well enough, and have read plainly enough, in our own history, that the prerogatives of the Crown, and the privileges of the peerage, would be but as dust in the balance against a preponderating democracy. They mean democracy, and nothing else. And, give them but a House of Commons, constructed on their own principles, the peerage and the throne may exist for a day, but may be swept from the face of the earth, by the first angry vote of such a House of Commons. It is therefore utterly unnecessary for the Reformers to declare hostility to the Crown; it is, therefore, utterly superfluous for them to make war against the peerage. They know that, let but their principles have full play, the Crown and the peerage would be, to the Constitution which

scruple in quoting this wisdom and this eloquence, because the speech which contained them was not addressed to this House. Again, on another occasion, Mr. Canning asked, "If the House of Commons is to be reformed, because it approved and supported those wars; if it is to be reformed, because it passed laws for the suppression of internal disturbance; is the House of Lords to go free, which consented to those wars, and of those acts consented to all, while some of them, and those not the least severe, it originated? If no such reform is to be applied to the House of Lords, what is the supposed effect upon that House, of a reform of the House of Commons? Let us fairly speak out: *Is the unreformed House of Lords to continue in full vigour to counteract the will of the reformed House of Commons?*"* I ask, with Mr. Canning, will a reformed House of Commons allow that body to remain, which had sanctioned all the obnoxious measures of a corrupt House of Commons? Will an unreformed House of Lords be suffered to exist in full vigour to resist our proceedings, when we sit here in that sense which the hon. member for Middlesex says, can alone entitle us to be called the Representatives of the people? Sir, I will never admit that we are not at this moment the Representatives of the people; but, for the sake of argument, I will take the word in his sense. Suppose, then, that the reformed House of Commons shall choose to go to war, or to make peace, or to cut down the Civil List, or to abolish tithes, or to interfere with the Church, or to do any other of those things which the friends of Reform consider to be the great *desiderata* of the country: would they allow the House of Lords, would they allow the Crown, to interpose, and defeat their projects? And then would come the ques-

tion of physical force, that physical force, of which the noble Lord gave some intimation, and the fear of which is the foundation of half the arguments for Reform in the present day. If such force were applied, in conjunction with the authority of such a House of Commons, it must be obeyed; and the consequence would be, that every institution in the country would crumble into dust, or would be crushed into powder, in ten years. I will only notice, and very briefly, two other points, to which the noble Lord has adverted; the one as an actual grievance, the other as a question which will remain to be separately discussed,—the duration of Parliaments, and the introduction of the Ballot. Upon the first point, much misapprehension prevails; for it will be found, that in the course of 300 years, from the accession of Henry 8th to the commencement of the present century, only twenty-one out of sixty-six Parliaments sat more than three years, and the average of all was only two years and nine months. So that the people have, in fact, a very frequently recurring check upon the conduct of this House. With respect to the second point, Ballot, as it is suggested to me that it does not form part of the noble Lord's own plan, I shall advert to it still more briefly, and will only state one objection, which I derive from a friend, and which, as I have not seen it elsewhere, in public or in private, I feel bound to notice: it is this,—that the Ballot necessarily implies a scrutiny of votes *before* every election; no benefit could be derived from it without a scrutiny; and that tedious and expensive measure, which may sometimes follow an election now, must, under the Ballot system, always precede one.* On every ground more directly connected with the noble Lord's plan, I oppose it. I oppose this change in the construction of this House (and consequent change in the Constitution of this country), because I do not believe that a majority of the people desire such change: and because, if I did believe it, I am sent here to legislate, not for their will, but for their interests. I oppose it, because the principle upon which this Reform is to be made, is unrecognised in any era of the history of this House. I oppose it, because it diminishes those influences here, which

they assail, but as the baggage to the army, and the destruction of them but as the gleanings of the battle. They know that the battle is with the House of Commons, as at present constituted, and that, *that* once overthrown, and another popular assembly constructed on their principle, as the creature and depository of the people's power, and the unreasoning instrument of the people's will, there would not only be no chance, but (I will go further for them in avowal, though not in intention, than they go for themselves) there would not be a pretence for the existence of any other branch of the Constitution."

* Canning, vi. 400. [Speech at Liverpool, 30th Aug. 1822.]

* For the working of the system in the Ancient States, see "Reflections on the Ballot," 8vo. Hatchard, 1831.

have always existed, and which are at this day essential to the balance of the Constitution. I oppose it, because against the body so assembled, no charge is proved, or even made; because the influence of the Crown was never less than at this day; the influence of the aristocracy was never less; the influence of corruption by money, by places, or by party, was never less:—on every consideration of all which we enjoy, and of all which we are to hazard, I oppose the object of the noble Lord. With these feelings, with the deep conviction that this country has long practically enjoyed a Constitution, which even by the testimony of the noble Lord, has been the envy of other nations, and which I believe to be the glory and the happiness of our own, I will never consent to a plan which, in my judgment, subverts it.* Nor shall

* “There is no period in the history of the country, in which the House of Commons will be found to have occupied so large a share of the functions of the Government as at present. Whatever else may be said of the House of Commons, this one point, at least, is indisputable, that from the earliest infancy of the Constitution, the power of the House of Commons has been growing, till it has almost, like the rod of Aaron, absorbed its fellows.

“At what period of our history was the composition of the House of Commons materially different from what it is at present? Is there any period in our history in which the rights of election were not as various, in which the influence of property was not as direct, in which recommendation of candidates was not as efficient, and some boroughs as close as they are now?”—Canning’s Speeches, vi. 382 [Speech at Liverpool, 18th of March, 1820.]

“Under the same mode of elections, and under Parliaments not less influenced than the present, this nation has not only subsisted for many years, but arrived at the summit of wealth, honour, power, and dominion.

* * * “If we survey the condition of every country on the Globe, and compare it with our own, we shall find abundant reason to be contented: there are in it some evils, and much good, which is the utmost which any human institution will admit of. We have, indeed, too much oratory, too much liberty, too much debt, and too many taxes: but then we have plenty, and may have peace, if we please: we have security to our persons and properties, and excellent laws, justly, though not very cheaply, administered; we have a Parliament not worse, and a King a great deal better than we deserve; and therefore, I shall conclude with the words of Shakspeare:

“‘Tis better, sure, to bear the ills we know,
Than fly to others that we know not of.”

—Soame Jenyns’s Works, 247-8.

I easily believe, that the people of England are prepared for the change, or are deliberately dissatisfied with their existing institutions. On the contrary, I perfectly concur in those sentiments, which, at the commencement of the Session, this House unanimously, on the part of themselves and of the nation, addressed to the Throne; when we expressed to his Majesty “our entire conviction that his people do justly appreciate the full advantage of that happy form of government, under which, through the favour of Divine Providence, this country has enjoyed for a succession of years a greater share of internal peace, of commercial prosperity, of true liberty, of all that constitutes social happiness, than has fallen to the lot of any other country of the world.”*

Sir C. E. Smith was understood to say, that, being anxious to support the true interests of the country, he felt that he could not do less than offer a few observations on this important occasion. In his opinion, a necessity for Reform did exist, and he was perfectly free to confess the reasons which weighed with him in coming to that decision. In vindicating his own vote, he should, doubtless, be vindicating the votes of many others who viewed the subject as he did. Fifteen years ago, he should, perhaps, have arrived at a different conclusion; but the altered circumstances of the country fully justified a change of opinion. If that change were once admitted, the necessity of Reform must be admitted also. The power of the aristocracy was, he conceived, too great in that House; and he thought, in curtailing it to a certain extent, they did nothing unjust towards that body. He approved of the principle of the noble Lord’s plan, though the whole of the details did not meet his wishes. The hon. Baronet near him had observed, that the proposed measure would be injurious to the colonial interests, since it would prevent the colonies from being represented in that House. But he would ask, for what purpose had the colonies local legislatures, if they were to be represented in that House? In his opinion, the representation was vitiated, not by the undue influence of the Crown, but by the undue dictation of the Aristocracy. He thought that the plan of the noble Lord proceeded, however, too much on the principle of population, and too little on that

* Address, 2d Nov. 1830.

of property. The noble Lord had said, that one of the great reasons why the House ought to receive this measure was, because it embraced every point, and left nothing for future decision; but how could that be, when it was formally laid before Parliament for its serious consideration? One great evil of the present system was, the prevalence of bribery and corruption; and he would ask, why had not the noble Lord taken more care to prevent bribery and corruption in future? He thought that the oath relative to bribery and corruption which was tendered to the elector ought also to be administered to the representative. Reserving his right to state his opinion on the different parts of the measure at some future time, he thought it was proper, in this early stage, to declare that he was favourable to the principle of the plan.

Mr. *H. Twiss* said, the House had listened with profound and painful attention to the noble Lord's analysis of the new Constitution which was now offered to the country, and he rose to state a few of the objections to the plan which crowded into his mind. He felt that he undertook a very difficult task, in rising so soon after the speech of the noble Lord; and he feared, moreover, that he had selected the worst period that could be fixed on, amidst the agitation and uneasiness that prevailed throughout the House. Opposed as he had been for many years to the noble Lord's views of Parliamentary Reform, it must appear evident, that the course he was about to take this night did not proceed from any new-born zeal to disparage a measure on which the Government had taken its stand, but rested solely on the foundation of principles which were once held by the greater part of his Majesty's Ministers themselves. A few months ago, the most radical speculator that ever existed could not have believed that the day was so near when he should see the Ministers of the Crown proposing to remove all the proportions of the Legislature, all the land-marks of the Constitution,—calling on the House to sweep away, he would not say the charters of Corporations, but all the charters of the realm itself. He did not mean to say, that in thus acting they were quite without precedent. They certainly had a precedent in the worst of times—the times of Charles 2nd and James 2nd. The same thing was done then as was attempted to

be done now, under the colour of law. But the course pursued at that period had been condemned with universal and lasting reprobation, as grossly unjust and unconstitutional. The object which the Ministers of that day had in view, was effected by the assistance of Judge Jefferies,—that object being, to give additional and unconstitutional power to the Crown, as it was now sought to confer it on the democracy. But what was done at the Revolution? Why those who effected it, placed the boroughs and corporations on their proper footing; and the declaration sent out by King William, even before his landing in this country, after reprobating the unconstitutional acts of Charles and James, said, in one brief but most important sentence, that “all the boroughs of England shall return again to their ancient prescriptions and charters.” The Convention Parliament of that day framed the Bill of Rights; and the preamble of that bill recited, “that the Lords spiritual and temporal, and Commons, then assembled at Westminster, did lawfully fully, and freely represent all the estates of the people of this realm.” Under those charters, the people of this realm had all been represented during the long and prosperous period that had intervened, and unless the violation of those charters, which was deemed intolerable when it tended to augment the power of the Crown, were fit and proper when it went to strengthen the democracy, he hoped that the same sound sense which preserved the institutions of the country in the first Parliament of William 3rd., would continue to uphold them in the first Parliament of William 4th. The noble Lord stated, that, according to his view, the elections should be open to the commonalty, and belong to them. He would not then discuss the meaning of the word commonalty—he would not insist on the fact, that it formerly meant only the inhabitants of cities—he would only remind the House, that if the principle of the noble Lord were to be followed, his Bill must be made much more extensive before it could include the whole commonalty. The noble Lord did not propose to include the whole commonalty—he did not propose Universal Suffrage. The noble Lord's commonalty only embraced those householders who paid 10*l.* rent. The noble Lord only changed the rate of property, and admitted those who had less

property and were less respectable. "What," said the noble Lord, "would a foreigner who should come to this country, full of admiration of its wisdom and its virtues, and of the glory it had achieved, think, when he asked for the source of that system which was the cause of all our national superiority, to find that it consisted in a green mound, or stone wall, or a thinly inhabited town—what," asked the noble Lord, "must be the astonishment of such a foreigner?" But what, he would ask, would such a foreigner think, if he were told that the exclusive sources of our glory were our system of representation, or what the noble Lord called our mockery of representation, and that it was proposed not to improve it, but that a change should be made in it, which would get rid of the thinly-inhabited city—level the green mound—an pull down the stone walls? The noble Lord seemed to think that he was bound to disfranchise the depositaries of all representation, however they might have disposed of it. He did not say for his part, that the great towns ought not to be included in the representation—he did not say that boroughs, when corrupt, ought not to be disfranchised; but the noble Lord did not proceed as was usual with the House in disfranchising boroughs. When the House upon any good grounds proposed to disfranchise a corrupt borough, it proceeded in the most careful manner, examining the evidence with the greatest caution, subjecting the charge of corruption to a judicial examination, and separating the sound from the unsound part of the constituency; but the measure of the noble Lord disregarded all considerations of justice, and swept away the whole of the boroughs by a Bill of Pains and Penalties, without any proof of corruption, without a tittle of evidence, and without any of the usual grounds on which the House justified a Bill of Pains and Penalties. Now, the boroughs were to be disfranchised for no guilt but because they were under the influence of the Crown and the Aristocracy, who it seemed, had no business to mix up their alloy with the pure democracy of that House. It could not now be said, that the Government was not under the influence of public opinion—it was too much under the power of the commonalty. According to the modern theory, the Government was not a mixed democracy—it was a pure democracy; and the whole tendency and direc-

tion of the Bill of the noble Lord was, to make the House of Commons of a more popular character. But whatever Gentlemen might say in public, there was not one present who would not say in private that the will of the people was too often obeyed, and that it frequently overpowered the better judgment of those who were sent there to consult for the welfare of the nation. Gentlemen knew, that the Government was not always sufficiently strong to carry all measures of public utility, and that measures of justice, and almost of necessity, were frequently opposed by popular prejudice. It was the practice of modern times for the two Houses of Parliament to carry on the business of the Government, which was not agreeable to the Constitution of England; but when that practice was adopted—when the two Houses undertook to direct the management of all the revenues of the country—for any man to say that the House of Commons was not sometimes too much swayed by the opinions of the people, would only expose him to ridicule. If the two Houses of Parliament were to be continued—if we were to retain our mixed Government—it was necessary that the Crown should possess great influence in the House of Commons, and that the House of Peers should not be destitute of influence through individual Peers. The necessity of the influence was necessary to counteract the opposition, which might sometimes be factious, sometimes might arise from a desire of popularity, and, if the regal and Aristocratic powers were lessened, might sometimes be exercised with great danger to the country. The security that was most needed was a security against the blind passions of the people, who might otherwise pull down that Constitution which was the ark of the general safety. Independent of the balance of the Constitution, there must be an equipoise between the governed and governing, which perhaps might with safety be regulated by public opinion, but exclusive of that, there was another important balance which would be endangered by the destruction of the borough-system. That was, the balance between conflicting and rival interests. Many interests would be endangered, and many interests deranged by the abolition of the boroughs. There were many interests that were provided for by no other species of representation. There was the interest of all the professional classes, of all the labouring

classes as such, there was the colonial interest, there was the interest of the fundholders and money capitalists, and the interests that he might call miscellaneous, which were all now adequately represented by the boroughs. All these interests would be deranged, and no longer represented, if the plans of the noble Lord were carried into effect. The two larger classes of the land and trade were already well represented and protected, the land by the Members for the counties—and the trade by the Representatives of towns; but other interests, combining a great portion of the moral and intellectual strength of the country, were not sufficiently represented, and by the plan of the noble Lord were no longer to come there. With the exception of the two Universities, which had special Representatives, none of the interests he had alluded to were represented, while land and trade were well represented, or had any means of getting into that House, except through the medium of the close boroughs. From those which he called the miscellaneous interests the most intelligent Members of that House—the gentlemen most conversant with law, finances, and colonial policy—had been selected; and for the boroughs, by which they came into the House, the noble Lord had provided no substitutes. Such gentlemen were put in by the Patrons of the boroughs, or by their own pecuniary means, which might not be just or necessary, but this mode had given adequate Representatives for the interests he had mentioned. The plan of the noble Lord was not intended to check any abuses in those close boroughs, but to do them away altogether. Which interest of the people would that benefit? It would increase the two great Aristocracies—the Aristocracy of the land and the Aristocracy of trade; two interests which were frequently opposed to the interests of the consumers. The whole people had little to fear from the encroachments of the Crown, but they had much to fear from the encroachments of particular interests if once they obtained a preponderancy. The noble Lord's plan, then, would disturb a balance which it was most important to maintain. It might still be possible for individuals to exercise an influence over particular places as at present, but they would henceforth be obliged to nominate some one of their family, or some one residing in the neighbourhood, and distinguished for his wealth, and they

could no longer procure the return of gentlemen who had no other claims but their ability to serve their country in Parliament. Many of the most respectable and most intelligent of the people found, by means of these boroughs, a facility of getting into Parliament which could be supplied by no other means. The plan, then, of the noble Lord went to three points;—first, to destroy the Charters of Corporate Towns—secondly, through the breach which he would thus make, to pour into the Constitution a numerous constituency, which should destroy the chief sources of the influence of the Crown and of hereditary property—and, thirdly, by cutting off the close or nomination boroughs, to shut out all that large class of miscellaneous interests which compose a very large part of the property, the character, and the talents that did honour to the country. He did not think that extending the Representatives for the land and trade was precisely what was wanted at the present time. He did not think that it was the duty of Government, at this exciting period, at this awful crisis, to take measures for disfranchising some of the most respectable portion of the 658 Representatives. He had voted for the disfranchisement of East-Retford and Grampound, and for the transfer of their franchise to large towns, and he therefore was not indisposed to gradual improvement; but he was disposed to content himself with such an improvement, and not to adopt the mischievous change proposed by the noble Lord. On what ground, too, was it that this great change was made? It was not to strengthen the Government, it was not to give greater intelligence to the Legislature, but to correct the malversation introduced by some men of rank, and introduced by means of these existing boroughs, which was all that was alleged, all the inhabitants of houses paying 10*l.* a year rent were to be added to the constituency. It was proposed to enlarge that body by including in it men of limited information, of strong prejudices, of narrow and contracted views, such as shop-keepers and small attorneys. He begged, not to be misunderstood, he was not disparaging this class but, he did conceive that retired tradesmen inhabiting houses rated at 10*l.*, members of small clubs, and persons of that description; persons, he repeated, of narrow minds and bigotted views, who were now to be called in to counsel the nation, were not the best

fitted to execute that important trust. Gentlemen laughed—he would give them an authority for his assertion, and no less authority than the Book of Ecclesiasticus. If the citation were inapplicable, Gentlemen might visit him with ridicule, but if it were applicable, it did not seem to him of less weight, because it had a sacred as well as a moral sanction. The sacred volume taught them that potters, and men practising various trades were all men “who trust to their hands, and every one is wise in his work; without these cannot a city be inhabited but,” it added; “they shall not be sought for in public council, nor sit high in the congregation. They shall not sit on the Judges’ seat, nor understand the sentence of judgment.” He knew that among these classes were many men of intelligence, but as a class they were shallow and dogmatical, the supporters of those political principles which made light of public faith, and thought nothing of public credit—who regarded reduction of taxation as every thing, looked at rents, and tithes, and taxes, as mischievous burthens laid on them; and all whose other political principles were the necessary consequences of the narrow principles they had adopted as the ground work of civil and ecclesiastical government. A large part of the class admitted by the Bill was of this description; and to transfer to them political power, to those who were busy buying and selling, was the chief feature of the promised reformation. In this preposterous result had issued all the boastings of Reform made by his Majesty’s Ministers; but the measure which they had brought forward to redeem their pledges would not satisfy the majority of the country. As a municipal regulation, it might give some satisfaction, it might give pleasure to certain busy intriguing people, but that the majority of the intellect and respectability of the country would be satisfied with it was what he could not believe. The noble Lord said, that the Bill would reduce the expense of elections. Of all fallacies which he had heard, that was the greatest. Increasing the number of electors would increase the expense of elections [*no, no*]. He said yes, yes. It would cause a greater expense in carrying the greater number to the poll, and it would cause a greater expense by having a greater number to bribe. It was the height of vanity to suppose, that the Bill would put an end

to bribery. As long as the temptation existed, as long as many poor men had something to dispose of which some rich men were desirous to have, so long would corruption exist, whether the voters were few as at Evesham, or numerous as at Liverpool. It was well known, that what was much in demand would be obtained, in defiance of prohibitions; and he did not know why this principle should not be applied to elections as well as commodities. These were the prominent features and prominent failures of the noble Lord’s plan, and these were the objections he had to urge at the moment, though no doubt, with more time he should discover more defects, and have more objections to state. He wished to know from those who brought forward the question, if they expected it would satisfy the country, or would satisfy the people who were most desirous of Reform? They indeed might say “Let us accept it. We will now take this, and after a time we will come back for the rest.” But he understood by satisfying the country, settling the question, putting an end to the agitation concerning it; and it was not possible that this Bill should finally settle the question. With what face could the Government propose, on the present occasion, to recommend the House to sacrifice one-half of the Constitution, that it might have permission to sacrifice the other half by and by. Did he, then, blame the Government both for what it gave and what it did not give? No; on the contrary, he blamed it only for giving too much, and for having so little practical wisdom as to lend its name, by these propositions, to vulgar error and vulgar importunity. He believed, that the sober part of the people would find fault with the Ministers, not for having broken their promises, but for having made them. The measure would depend for its success entirely on the dispassionate opinion of the sober and influential classes. They would regard the Bill as impairing the Constitution of the country, while they would not be satisfied with any of its provisions. It was stated, that the measure of Reform was necessary to prevent revolution; but was it likely that the intense excitement which now existed, and had existed for a short time, would overcome the good sense of the people, and change their disposition? The people of this country were generally guided by reflection; and he wished to ask, if the present opi-

nion of the multitude were founded on study and argument? and if it were not, was it likely to be permanent, or was it temporary, having only some temporary cause? The noble Lord had acknowledged, during last Session of Parliament, that the people were indifferent on the subject. Had this acknowledged indifference, then, undergone some sudden change? Had there been some violation of political rights? Had the people some great grievances to complain of? No. The House of Commons had since then reduced taxation so much, that the present Ministers, who were carried into office by the demand for retrenchment, found that further remission of taxation was impossible. The Government, too, had removed the last restrictions on religious liberty. The Test Act had been abolished, and the Catholics had been placed on a level with the rest of their countrymen. These were the accumulated outrages of which the people had to complain—these were the grievances which had made a Reform of the House of Commons, which two or three Sessions ago was regarded with indifference, now indispensable, and these were the acts which now made the present House of Commons too odious to be any longer endured. If the people had taken a new course, what he wished to know was, the cause of the change? He did not mean to impute the change of opinion to any persons as blame, —he should be sorry so to ascribe it; but it was said, that it was fear of physical force which gave this impulse to public opinion. This might be true as to individuals, but the great body of the people were not so poor in spirit as to live in fear of physical force. He admitted that the employment of physical force had been justified by circumstances in a neighbouring country. Then it was intended to counteract a great political evil, but he also believed that the consequences of that employment of force had been much exaggerated as a victory of the people. The results of that had been so fatal, that it was misnamed a popular victory. But if the use of force were justified in France, did that justify it here? When the most ardent admirers of revolution looked at its consequences, and saw Belgium and France devastated—trade suspended—property unsafe—security lost—they would find, that moderation was better than revolution; and that these countries held out no encouragement to

us to imitate them. When the results were looked at, it was impossible not to see that more was lost than gained. It was impossible to suppose that Englishmen could be so senseless, and of so light a nature, that they would run the hazard of a revolution, to obtain some theoretical improvements in their Constitution. It could not be the case. But this change in the opinion of the people was not the offspring of distress; for it had been stated by the Gentlemen on the other side, that at present our trade was so prosperous, that for a long period there had not been so little distress in the country, great encouragement having been given to our industry, by that suspension of trade and manufactures in France and Belgium which had been caused by the revolutions in those countries.* That taught a very important lesson to our community. It showed, that if sometimes distress produced a revolution, a revolution always caused distress. Another cause to which he attributed the excitement was agitation; which the Government of this country, in whosoever hands it might be, must put down, if it wished to preserve liberty and property. It was clear, that retrenchment could not be carried any further—that further relief from taxation was hopeless—that the debt could by no retrenchment be got rid of, and that, therefore, there could be no hopes of obtaining relief from these burthens by Parliamentary Reform. Neither was it to be supposed that the chance of war—the source of all our burthens—would be diminished by making the Parliament more popular. The speech of the noble Lord delivered in 1819, afforded a reply to that supposition. The noble Lord then stated, “that he did not pretend to say that Reform would make the country less inclined to war, which was the cause of our chief burthens. A fondness for war was not the fault of an oligarchical, but of a popular Government.”* The noble Lord proved this proposition by facts from history, and then concluded by saying, “that it is only by carrying the feelings of the people along with them, that a free government can lay on greater taxes than an arbitrary king.” Another authority, and a more impressive one, was the French people themselves. They raised the tri-coloured standard of liberty in 1830, and were waving it as the banner of war in 1821. He did not agree, then, with

* Hansard's Parl. Debates, vol. xli. pp. 1099, 1100,

those opinions which recommended such extensive Reforms, nor did he agree with the opinion of the noble Lord, that there would be great danger in refusing Reform. The Radical Reformers might look to revolution, but the great mass of the people of this country, busily engaged in trade and industry, having property at stake—for even the deposited savings of the poor now formed part of the National Debt—the great mass of the people were sound, and would stand by the institutions of the country. Under the blessings of Providence our burthens were made a security to us, and the superincumbent weight of which we complained gave stability to our institutions. If the Government acted firmly, and relied on the calm and deliberate judgment of the people, and did not follow the current of revolution, he was persuaded that there was nothing to fear. If, however, surrounded by factions, the Parliament should legislate blindly—if it should be obliged to wait on the will of the people, instead of consulting for their welfare—if that was the present state of this country—if they went forward without experience to direct them, every day would only carry them further into danger; and the result must be, to teach the people that their will was higher than the Constitution; and deeper than the deep-laid foundation of the laws. To such doctrines he could not give countenance—there was no such danger, and he should withhold his assent to the noble Lord's measure.

Lord Althorp admitted, that the hon. and learned Gentleman had placed in a strong light the dangers which had resulted from the French Revolution. The hon. and learned Gentleman had also called the present excitement temporary, and ascribed it to agitation. But in this the hon. and learned Gentleman was in error, for in England there was no agitation in that sense; and never, undoubtedly, on such an important question, had less pains been taken to get up public meetings than at present. The hon. and learned Gentleman had stated the evils which had resulted to Belgium and France from the revolutions in those countries; and was it not, then, the duty of those who looked after the welfare of the nation to take measures to prevent such a revolution here? He must say, that it was most desirable, and the duty of those who had it in their power, to take such steps; and it appeared, up to the present time, to

be supposed right by the House, that such steps should be taken. But what steps ought to be taken? The hon. and learned Gentleman said, that the demand of the people for Reform was temporary, and would not last. But it was certain that complaints were made of the manner in which that House was elected, and had long been made. Was there no ground for those complaints? If there was a good ground for those complaints, they could not be temporary, having a permanent cause. If there were such grounds of discontent, and if they were permanent, was it not necessary that something should be done to remove them, and prevent complaints? The grounds of complaint were the existence of nomination boroughs, and the great expense of elections. Could the House argue the people of the country into the belief that they derived a benefit from these boroughs? The hon. and learned Gentleman, indeed, had argued in favour of those boroughs with great ability; and had stated, that by their means men of the greatest ability had obtained seats in Parliament. He admitted that; but had they no disadvantages to counterbalance that accidental benefit? Did they not enable persons of large property to dictate to the Minister of the day? And was not such dictation inconsistent, or even frequently incompatible with the good government of the country? That was, in his opinion, a disadvantage which more than counterbalanced these advantages. It was said, by the hon. and learned Gentleman, that for them had sat some of the greatest men who ever had been in Parliament. That was true, but it did not follow that those able men would not have been in Parliament if there had been no such boroughs. That was, indeed, the easiest mode by which they could get into Parliament, and that made them adopt it. It ought not to be supposed that such men would have been excluded from Parliament if there had been no such boroughs. One of the causes of expense at elections was the distance the candidates had to carry voters. Another source of expense was, that a great part of the voters were persons of little or no property, and were therefore liable to be corrupted. The Ministers avowed from the first, that it was their intention to make a full and effectual Reform in the representation of the Commons House of Parliament, and they had laboured to re-

deem their pledge. The great evil they considered to be, the power of nomination placed in the hands of individuals, and they had taken away the danger they apprehended from the exercise of that power by placing the franchise as much as possible in the hands of the middle classes. The hon. Baronet had intimated, that the plan of Reform now proposed was Revolution. Did he mean to say, then, that Reform was not as popular with the whole of the middle classes as with the whole people of England? The people of England demanded a Government of Lords and Commons. [*hear, hear! from the Opposition.*] Yes, but Commons not coming into the House by purchase or by nomination. The whole of the people of England were, he was satisfied, desirous of a House of Commons the very reverse of this. And although they retained their regard for a mixed Monarchy, he was convinced they rejected and abhorred the present state of the representation in the House of Commons. Seeing this state of public opinion, and feeling, as the Government did, that the middle classes had not their fair share in the representation; knowing, too, that that class desired no change which could fairly, as the hon. Baronet called it, be denominated Revolutionary—no change which was likely to bring with it any destruction of property, or produce any of those frightful scenes which were witnessed in the first Revolution of France—believing, indeed, that the spirit of the people was the reverse of revolutionary, and that the improvement of the representation was one of the most effectual methods of keeping it so; it was, therefore, that his Majesty's Government thought they could with safety place, by a great extension, the elective franchise in the possession of the middle classes. He would go further, however, than placing that right in the hands of the middle classes, for he would say, that if in any state of representation, however extended, the middle classes were left hostile to the Government, that Government would never be safe. The hon. and learned Member (Mr. Twiss) had ridiculed that class. He had, indeed, ridiculed the whole of the middle classes, but he would tell the hon. Member he did not know the amount of intelligence which was to be found in the middle classes when he talked of them as he had done. That they did possess a higher degree of cha-

racter and intelligence than at any former period was abundantly proved, and he was satisfied they were as well qualified to select, and would select as wisely and as prudently as any other class, Representatives distinguished for their honesty, their integrity, and their ability. The hon. Baronet, the member for Oxford, had argued against their taking population as the test for the fitness for representation. It was true they had done so; but then they had taken property as the basis of franchise, and, therefore, he himself conceived that no good argument could be raised on the question of population. The hon. and learned Gentleman (Mr. Twiss) had spoken of the seizure of the Charters of boroughs by James the 2nd, and he had intimated, that it was one of those measures, which was to be considered, like the present, as intended for the improvement of the representation. The noble Lord who opened the debate (Lord John Russell) had, however, truly characterised this and some other proceedings of our ancestors as gross violations of the Constitution—gross because it was intended to destroy that popular branch of the Legislature which it was the express object of the present measure to increase and protect. The object of the present plan was, to support the popular branch of the Constitution—that of James was to destroy it; and no argument could be fairly deduced from it with reference to the tendency of the plan before the House. He confessed he was one of those theorists who thought that the House of Commons should represent the body of the people. He thought, too, that this was the real theory of the Constitution. They might, it was true, go back to barbarous times, and find occasions when the Crown invaded the privileges of that House, and usurped the power of the third branch of the Legislature; but still the Constitution supposed that the Members of the House of Commons were the real Representatives of the people. But then, said the hon. member for Oxford, let the House look back at the time when these real Representatives of the opinions of the people usurped the powers of the other two Estates, and destroyed the Throne and the Constitution. Did the hon. Member, however, forget that this was done with the support of a military power; and that so far was the House of Commons, as then constituted, from either representing the people, or possessing

Constitutional liberty, that all who attempted to exercise freedom of speech were expelled from it. The hon. and learned Gentleman seemed to think that this measure would give satisfaction to none but a very small class of people in this country. He thought the hon. and learned Gentleman was mistaken. Some there were, no doubt, who might desire more; but he was convinced that the great majority of the people of this country would be content, and hail with satisfaction the change they proposed. The hon. and learned Gentleman (Mr. Twiss) seemed to intimate, also, that this would not be the final settlement of the question. He differed from that hon. and learned Gentleman. He thought it would be a final settlement; and that as the plan would be found a full and effectual reformation of abuses, those who differed on minor points would now sacrifice them for the sake of unanimity, and for the advancement of the public good. He himself felt, in bringing forward a measure of Reform such as that now before the House, that he had the best chance of obtaining what had been the great end, and aim, and object, of his political life, and he was therefore prepared to sacrifice some opinions and prejudices of his own, to promote that object; and having so agreed to sacrifice them, he felt bound to support the plan to the utmost extent in his power, and at the same time equally bound not to go beyond it. He was one of those who had never looked much to theories. He wished to see a practical Reform of the abuses of the system of Representation and Government; and he was satisfied, that until that House was fairly placed under the power of the people, they never could hope to see an end of many great practical evils. He would ask, did not this measure promise to the people of England an overpowering influence in the choice of Representatives? [*"hear, hear!" from Sir Robert Peel*] The right hon. Baronet cheered that sentiment; but he would remind the right hon. Gentleman, that by the people he meant the great majority of the respectable middle classes of the country. That was what the Ministers wished to give—that was what they hoped they had accomplished. Their desire was to place the representation in the hands of the majority of the middle classes, and to give to the country a House of Com-

mons not looking for the favour of the Crown, nor the patronage of the aristocracy, but for the approbation and gratitude of their constituents.

Mr. Twiss said, that the noble Lord had accused him of ridiculing the middle classes, and he hoped, as that charge would go forth to the world, that his denial of the accusation would accompany it. It would be recollected that he was interrupted at the moment he was speaking of the middle classes, and that in order to guard himself against any misrepresentation, he had expressly repeated his assertion that he did not speak disparagingly of the middle classes, as a class, because he was aware that there were among them some of the most estimable members of society; but because there were among that class some of the most dangerous of the class of politicians of the present day—men whom he did not think fit to be intrusted with additional political power.

Lord F. L. Gower rose to say a few words in defence of those existing institutions, which the plan of the one noble Lord went to overthrow, and the speech of the other noble Lord had so vehemently attacked. He knew that it was much easier in such cases to attack than to defend, and to vary the forms of censure, than to meet them with equally ingenious retorts; but this he also knew, that it was extremely difficult to measure the extent of benefits they had received from such institutions, although all who looked at other countries, and reflected on the state of their own, must feel and be grateful for them. He might, in his reverence for these institutions, be led into absurdities, but he believed he could not fall into any so great as to believe, with some persons, that the distresses they had suffered, were due to the state of the representation of that House. The man who attempted to teach the people that the House of Commons was the cause of their distresses, lent himself to a delusion which, like all the delusions of life, would end in disappointment and despair. His object in rising was, however, principally to call the attention of the House to that part of the speech of the noble Lord, which related to Scotland, a country with which he was closely connected. The noble Lord proposed to reform the representation of Scotland, and no doubt it much required some reformation; and he thought, that if some of those who

recollected Scotland in other times, were to rise from their graves, and hear the noble Lord's declarations on the subject, they would give his plan their most cordial assent. He might take any distinguished person of the time he alluded to, for any one would suit his purpose; but supposing Fletcher of Saltoun, who was called the last of Scotchmen, was to hear the noble Lord on this subject; suppose the noble Lord to say to Fletcher, "we are going not only to reform the representation of England and Ireland, which want it much; but of Scotland, which requires it much more," what would Fletcher say? Why, he would answer, "I am glad to hear it. It was bad enough while I was alive, but it must now be much worse;" and he would, in detailing the abuses of the system with which he was acquainted, draw a frightful picture of oppression exercised towards the lower classes, and of corruption practised by the higher, and he would tell you of religious differences among the lowlanders, and political differences among the mountaineers, which were never forgotten by either party, except for the purpose of making war on each other; and he would add to this, the still more melancholy fact, of political priests entering into all the party dissensions of the day, and masking the selfishness of their partizanship, and the ardour of their zeal under the garb of piety and virtue. This would be the picture drawn by Fletcher. Was it a true one now? How could any change, however, take place? How could Scotland under such a system, free herself from the miseries of her political condition, assuage her party differences, heal her political and religious wounds, and sweeten the waters of bitterness which overflowed the land? Her state of representation was wretchedly defective; but of her condition on that point he would take leave to read a passage from a work of considerable reputation, which he had no hesitation in naming, *The Edinburgh Review*. In the last Number was an article on the Representation of Scotland; the reviewer, after speaking in terms of rapture of the free elections of England, has the following passage; "It is impossible to behold this animating and ennobling spectacle, without turning with sorrow and humiliation to Scotland. This part of the empire originally formed a kingdom by itself; and it still retains its own laws, religion,

interests, feelings, and language. It contains greatly above 2,000,000 of inhabitants, who are still rapidly increasing. It is full of generally diffused wealth. Education has for ages been habitual throughout the very lowest ranks. The people are extremely peaceable, and their character for steadiness and prudence is so remarkable, that these virtues have been imputed to them as vices." Strange topics of sorrow and humiliation these. Education, prudence, rapidly increasing wealth. "Mourn hapless Caledonia, mourn." You stagnate in wealth and prosperity, your rapidly increasing population enjoy all the blessings of industry and peace, commerce and manufactures spread their blessings o'er your land, but you do not participate in the enjoyments of freedom—you do not enjoy the power of exhibiting the majesty of public opinion—your votes are unbought and unsolicited—your Candidates are unknown and unpolled. This is the view of the workings of popular distress from the state of the Representation, on a soil which, of all others, would justify the noble Lord in planting there his standard of speculative Reform. He trusted, however, that the noble Lord would pause, and ascertain with more accuracy the details of the system of Scotland, and the manner in which the state of the Representation was interwoven with the property of that country, before he proceeded further; and he was sure, if the noble Lord did so, he would become more cautious in the application of his plans to Scotland. He had said, by inference, that there was a time when the Priests engaged in political discussions in that country. He should be most unwilling to countenance any plan that would induce them to renew that interference. There was no country on the face of the earth, not excepting Ireland, where the ministers of religion exercised so much influence over the minds of the people, and he should be sorry to be compelled to say, in the language of the Poet, to those who were at present so exclusively and laudably engaged in the performance of pure spiritual duties—

"Content ye with monopolizing Heaven,
And leave this little hanging ball alone."

He looked upon the clergy of that country as a model to the clergy of all other countries. The excitement which now existed about Reform, he was afraid

did not arise from the force of argument, but from a concurrence of circumstances, and from events which had taken place on the Continent. He believed that many had been drilled to cry out for Reform, and that a re-action in time would take place. He was not surprised that the subject should be discussed among the intelligent classes, and here he could not help observing, that the noble Lord opposite (Althorp) had taken his hon. and learned friend's expression respecting the middle classes not in the correct light, and that the noble Lord had, in that instance, assumed a tone which he could not approve, and which, he must do the noble Lord the justice to say, was not customary to him. It had been considered by some as an indisputable mark and proof of imbecility in that individual who could not be now induced to rally round the glowing and generous standard of the great Mr. Pitt's example in the early part of his political career. Much as he respected that high authority, he recollected the more matured opinions of that great and illustrious man. The eloquent advocacy of that cause he now supported had been the task of those great men, Pitt at maturity, Windham, and Canning. They had advocated that cause in language which still rung like sweet music on his ear. They were now cold in their honoured graves. If they had either changed their opinion upon this topic, or continued to advocate consistently the same doctrines as he did, there was little ground to doubt they had adopted such a course of conduct through an anxious care and watchfulness over our Constitution—that Constitution which it was their good fortune to be the means of transmitting to us unimpaired. Few among the men of this day had been since able to seize their mantle. They had been wise in their time, and been content to take the Constitution as it was, and judge it by its fruits. They felt what their duty demanded, and, like the prophet of old, boldly placed themselves between the Constitution and that dreaded plague, Reform, which was but another word for revolution. They imagined, and, perhaps, imagined wisely, that they saw in the less popular forms of this branch of the Legislature a greater security for freedom as well as for property—a safer remedy for partial or extensive distress among the community. They might be excused for not holding that constitution

of the Commons House of Parliament cheap when they perceived that those who were denied, to all appearance, the hope of admission to those benches, through the disadvantages of birth or fortune—the *res angustæ domi*—had an entrance afforded to their talents and patriotism through those very forms which some decried, when it was to be expected that interest or prejudice would have slammed to the door in their face. Their admirers in the present day, too, might recollect the fate of the great, the eloquent, the highly-gifted, prophetic Edmund Burke, who, in merely attempting to accomplish in the Senate an act of justice towards that country which gave his great talents birth, and to which he was so patriotically devoted, was thrown out through interest, and party and narrow feeling, from the popular representation of the great city of Bristol, and was obliged, in order to insure the continuance of his valuable services to this country, and his own, in the Senate, though ostracised at Bristol, to take refuge in a borough. With such recollections, and remembering that this was not the only, though the most marked instance of such a signal service rendered to the State by the borough system, he would not hesitate to assert, that an entrance thus secured to eloquence, genius, and usefulness, was not so low but that integrity might pass in through it without stooping—that, though strait was that gate, and narrow the way, still wisdom might enter thereat without losing sight of reason and philosophy, which served as its beacons by night, as they had proved land-marks throughout its bright and glorious pilgrimage by day. The noble Lord had argued to-night for the necessity of the changes he espoused on the ground that they were become the more necessary to secure the liberty and privileges of the subject, because of the dread he entertained of the effect of his own and his colleagues' patronage as Ministers. Short as had been those Ministers', and that noble Lord's probation on the Treasury benches, they might perhaps have already learned, there was somewhat more difficulty in the attempt to legislate when on those benches, and even somewhat more difficult to attempt to address the House from thence in a tolerable speech, than they expected, before putting the experiment to trial; and they, perhaps, in this instance might be destined to find that there were on the opposite benches to

them, men as independent of the mob as of the Ministry; men who were returned for boroughs, and who would not hesitate to avow their conscientious opposition to any measures, whether coming from the Crown or the Ministers, which they felt to be averse to the best interests of the community. The noble Lord had replied to the argument, that by the abolition of close boroughs, men of talent, who were destitute of wealth or connection, would find no door open to them upon the passing of such an Act, that an equal facility would be afforded them hereafter through the medium of the popular boroughs. For his part, he confessed that he did not attempt to set himself up for a prophet, yet he would not hesitate to avow, that he looked upon that assurance, on which the noble Lord seemed to calculate so confidently, with very considerable doubt. The present Attorney General, it had been said, had originally found his way into that House upon a popular representation. This was a circumstance not to be wondered at, for that Gentleman was in possession at that time of a high character in his profession, and distinguished, also, by that honest integrity and those virtues which were sure to render him a favourite with the popular party everywhere; and had an increased popularity from the part which he so signally sustained in a celebrated trial, to which, though so eminently popular, he should not further allude. In most respects this was an analogous case to that of Mr. Burke, sharing a similar fate with that great man at a popular place, and coming in through a borough, to display in that House those talents in his place here which were justly attributable to him, beyond those which were strictly professional. It had been said, that there was a disposition manifested by the opponents of the Ministers' project, to agitate and excite alarm throughout the country, to ensure its defeat. For his part he did not feel there was any just cause to be apprehensive of the effect of any alarm, if it were occasioned abroad. He would be the last to sanction such a practice, or to spread alarm in order to procure thereby certain political consequences. If alarm were to be apprehended, he feared it was to be derived from other sources—from the speeches of some out of doors, at Reform meetings, and from some within, on the presenting of petitions there; nor could he avoid confessing that he could

not but attribute danger to the reiterated display which had been allowed lately of the tri-coloured flag—the emblem and forerunner of revolution in other countries. He entertained great respect for the French people, and wished them all possible success in their endeavours rationally to reform their Constitution; but he was not favourable to any project of theirs which might render France an emblem of discord, or the focus of revolutions throughout Europe. Though not old, he was old enough to remember the period when 800,000 men rose in this country to avert the dire omen of that flag being ever displayed on the shores of England—he was old enough to witness the agitation which then pervaded this country. He hoped this subject would not be productive of similar agitation; but that all in that House, who debated the question, would, as far as possible, preserve that calmness and prudent tone of deliberation which would prove the best preventive to violence or excitation abroad. It was on considerations such as this that, he confessed, he saw now no reason to change his opinions on the abstract merits of reform. It gave him great pain to be obliged, by a sense of duty, to take the part he had espoused in that night's Debate. However lavishly the charge of imbecility had been bestowed on all the opponents of the propositions anticipated, as emanating from Ministers by their advocates in that House, by the agency of the Press out of doors, and by the anonymous castigation which he had himself received (and to which he must bow in enforced submission), for the part which he had taken, he hoped at least to be exonerated from all charge of disputing the propriety of the measure from any bad or factious motives of his own: indeed were he to have chosen the advocacy of that side of the question which would have been most convenient, or most to his interest—that which would have redounded to his own comfort and satisfaction, in one sense, and have saved him considerable pain—it would have been directly the opposite of that which he had espoused. The sentiments he advocated were the result of his own plain reasoning and firm conviction; and what made his situation more trying and painful was, that they were at variance, he regretted to say, with the sentiments of those whom he highly esteemed. There was but one topic more to which he should address himself—namely, the argu-

ment drawn from the circumstance of this being a Ministerial measure, and the noble Lord's reasoning that thence it was deserving of the attention and support of the House, as coming from his Majesty's Government. He admitted, if it were to be proposed with any sanguine hopes of success, it should emanate from the Ministry. He would so far concede to the force of that argument, that he would permit the Bill to pass the first stage, that the question might be the more fully understood when the House came to a fuller debate on its merits generally; but further he would not bow to the influence of that argument last adduced by the noble Lord. It was not so long since he had approached those benches, whereon the noble Lord sat now, as not to be aware that Ministerial measures, so called, were often imperfect and illusive. If he did not succumb to that argument of the noble Lord, it was not for the reason which the noble Lord had assigned to him and others, but because, in asking him to succumb to that great authority, supposed to be inherent in a Minister, he was, he confessed, at a loss to perceive in the present Ministers those overpowering talents and vigour of conduct which should neutralize and take away all the counter-influence which the great names and former authorities, he had quoted, had created in his mind; although he was ready to pay to the ability, assiduity, and resources which the noble Lord brought in aid of his proposition the meed of the highest praise.

Mr. Hume rose to move the adjournment; but Sir R. Peel begged to ask, before adjourning, whether the noble Lord intended to disfranchise the voters paying scot and lot in boroughs as soon as the present lives were out.

Lord J. Russell replied in the affirmative. The measure was to take effect at the expiration of the lives of the voters now living.

The Debate was then adjourned till the following day.

HOUSE OF LORDS, Wednesday, March 2, 1831.

MINUTES.] The Marquis of WESTMEATH was returned as a Representative Peer for Ireland, in the place of the Earl of BANDON, deceased.

Bills. The Canada Lands Bill read a third time and passed.

The Lunatics Bill went through a Committee.

Petitions presented. For the Abolition of Slavery, by the Duke of BEAUFORT, from several places in Monmouth and Gloucester:—By the Duke of GRAFTON, from Fram-

lingham. Against the Truck System, by the Duke of BEAUFORT, from Woollen Manufacturers in the County of Gloucester. For the Extension of the Galway Franchise, by the Duke of NORFOLK, from Nuns Island:—By the Earl of DARNLEY, from Moycullen. For Parliamentary Reform, by Lord KING, from Norwich, Croydon, and Wallingford:—By the Earl of RADNOR, from Oldham, Islington near Manchester, and Horton.

[The noble Earl, in presenting these petitions, said, he could not let that opportunity pass, of expressing his great satisfaction at the measure that had been brought forward in the other House, to settle this important subject. He was convinced it would be well received by the country in general, and even by those who might differ from it in one or two points.]

HOUSE OF COMMONS, Wednesday, March 2, 1831.

MINUTES.] The Marine Mutiny Bill read a second time.

Returns ordered. On the Motion of Mr. BETHELL, the quantity of Olive Oil and Palm Oil respectively entered for home consumption, in each year since 1820, to the latest period at which the account can be made up; distinguishing the rate of Duty, and stating the amount of Duty received each year respectively:—On the Motion of Mr. BANKES, of the Income and Expenditure of the British Museum for the year 1830; of the estimated Charges and Expenses for the year 1831, and of the Sums necessary to discharge the same; and an account of the number of persons admitted to view the same from Christmas 1825, to Christmas 1830.

Petitions presented. By Mr. O'CONNELL, from the Catholic Clergy of Navan, in the County Meath, praying that the penalties might be abolished which were now incurred by those Roman Catholic Priests who performed the ceremony of Marriage between Catholics and Protestants; from certain Catholics of Clare, against the Grants to the Kildare-street Society; and from Drangan, Clonene, Ballynakill, and the Working Hosiers of Dublin, for a Repeal of the Union. By Mr. CHARLES DUNDAS, from the Landowners of Farringdon, in Berkshire, for the Repeal of the Malt-Tax. By Mr. Alderman THOMPSON, from the Owners and Manufacturers of Machinery employed in the British West-India Colonies, complaining of Distress, and praying for Protection. By Mr. HUGHES HUGHES, from the Clergy and others of Hatherleigh, Devon, praying the House to pass an Act to enable individuals to endow and build New Churches, and to hold the perpetual presentation of them without the consent of the Diocesan, or Incumbent, or Owner of the Advowson. By Lord BRABAZON, from the Fish Curers of Rushton, in the County of Dublin, complaining of the Distress caused by the suppression of the Bounties on curing Fish. For Parliamentary Reform, by Mr. SANDFORD, from Chard, Glastonbury, and Frome:—By Mr. HODGERS, from Maidstone and Headcorn:—By Sir W. FOLKES, from the County of Norfolk:—By Mr. HUNT, from Kidderminster and Horton:—By Mr. MORISON, from St. Ives, Huntingdon. For the Abolition of Slavery, by Mr. STRUTT, from places in Derbyshire:—By Mr. ESTCOURT, from Ashton-upon-Trent:—By Mr. STURGES BOURNE, from Marlborough. By Sir W. GUISSE, from Brandeester, for the Abolition of Tithes.

BREACH OF PRIVILEGE.] Mr. O'Connell said, he had yesterday presented a petition from an individual named Alexander Jacobs, who had been taken into custody for a Breach of the Privileges of that House. For his own part, though the

words constituting the offence were applied to him, he entertained no personal feelings against the individual. Before he presented the petition, he had taken care to ascertain who and what Mr. Jacobs was, and had found him to be a person of the Jewish persuasion. He saw no reason why any person of that persuasion should possibly indulge in any hostility towards him (Mr. O'Connell), for he had always desired to see the fullest liberty given to every class or sect, no matter whether Jews or Gentiles. He had further learned, from some persons of great respectability, that this individual was occasionally subject to certain paroxysms, which rendered him at intervals irresponsible for his acts. As it was extremely probable that the malady would be aggravated by the excitement of placing him at the bar to be reprimanded by the Chair, he wished that that proceeding might be dispensed with, and that the party should be forthwith discharged. The hon. and learned Gentleman accordingly moved, that Alexander Jacobs be remanded into the custody of the Sergeant of Arms for the purpose of being discharged.

The *Speaker* said, there was a precedent for the hon. Member's motion on the journals of 1784, in the case of Thomas Whitby, who was committed to Newgate for a Breach of Privilege. The House in that case discharged the prisoner without the usual reprimand from the Chair.

Mr. O'Connell amended his motion accordingly for the immediate discharge of the prisoner.

Mr. *F. Lewis* did not rise to offer any objection to the prisoner's discharge, but to suggest the expediency of the House being previously furnished with such medical evidence of the state of the individual's mind, as would guard against a precedent being established on a fraudulent representation.

Mr. *Baumont* thought the House more consulted its dignity by at once acceding to the hon. member for Waterford's motion, than by acting on the hon. member for Radnorshire's suggestion.

The motion for the prisoner's discharge forthwith, without reprimand, was then agreed to.

IRISH PENSIONS — REFORM.] Mr. *O'Connell*, in presenting a Petition from the inhabitants of Navan, in the county of Meath, complaining of abuses in the

Irish Pension List, said, he intended to bring forward a motion on the subject at an early period. Pensions had, for a long time, been granted in Ireland without either the knowledge or concurrence of Parliament. It was a well-known fact, that a Mr. Leonard M'Nally had received from the Crown, for eighteen years before his death, a pension of 300*l.* a year, though he was uniformly retained as counsel for all persons who were prosecuted by the Crown during that time. Petition to lie on the Table. The hon. and learned Member then presented a petition from the City of Cork, praying for Parliamentary Reform. It was with very great satisfaction he saw last night that Ministers had brought forward a manly and efficient plan of Reform, and therefore he was resolved to give them his cordial support, while at the same time he would take another opportunity of stating objections to some of the details of the measure in reference to Ireland, which he thought was not placed on the same footing of advantage as this country with regard to the changes that were to be made. The petitioners wished to see Vote by Ballot, and they called for frequent instead of septennial Parliaments.

Sir *John Newport*, in supporting the prayer of the petition, took occasion to observe that he thought that the bill which the noble Lord had last night presented to the House was the most noble offer which had ever been submitted to Parliament, as it went completely to identify the House of Commons with the people, and to consolidate all the interests of the empire. To the assertion which had been made that the bill introduced, not Reform but revolution, he replied, that it was the best plan which could be devised for preventing revolution. The revolutionary principles which the bill contained were the revolutionary principles, of 1688, which identified the interests of the Throne and the Parliament with the interests of the people.

The petition laid on the Table.

Mr. *Hunt* presented a Petition from Darlaston, praying that all Placemen and Pensioners should be disqualified from holding seats in that House; that Parliaments should be triennial; that when an individual was fairly elected by the people, he should be allowed to sit in Parliament without any qualification of property, as was the law of England previous to the

Statute of Queen Anne; that elections should be freed from the influence of force, bribery, and corruption; and last of all, that Members should be chosen by ballot. He concurred in the prayer of the petitioners; and he hoped, old as he was, to see the day in which all placemen would be excluded from Parliament. Ten years ago hon. Members would have been as much surprised at seeing such a bill as was brought in last night by the Ministers of the Crown, as they were now at hearing his proposition to get rid of all placemen. He thought, that if the noble Lord's bill passed into law, the proposition which he had made would soon be carried as matter of course. The petitioners would be delighted to hear that Ministers had gone so far as they had done in their measure of Reform. For his own part, he would declare, that though he wished that their plan of Reform had gone further, he would give all the humble support in his power to what they had already done for the people. He would have given them his support had they only disfranchised one close borough, for even such a step would have been the establishment of a principle.

Lord *W. Powlett*, in presenting a Petition from Sunderland, praying for Reform, observed, that he could not entirely support the bill which had been introduced last night by the noble Paymaster of the Forces. He thanked Ministers for the addition of four Members, which they were willing to make to the representation of the county which sent him to Parliament, but he thought that it would be a dangerous innovation to strike off so many boroughs at one blow. He thought that some respect ought to be paid to the rights of property which individuals had in those boroughs, especially as they had been sanctioned for many years by the law and usage of Parliament. He did not consider the reduction of the number of Members in that House at all desirable. He should give his cordial concurrence to that part of the bill which provided for the extension of the elective franchise, and for the diminution of the expenses of elections.

Sir *M. W. Ridley*, in seconding the prayer of the petitioners, expressed a hope that the reformers would not, by any dissensions on the minor details of the bill, allow Ministers to be defeated on their great and essential measure of Reform.

MINISTERIAL PLAN OF PARLIAMENTARY REFORM—ADJOURNED DEBATE.] Lord John Russell moved the Order of the Day for renewing the adjourned Debate on the motion "that leave be given to bring in a Bill to amend the Representation of the people of England and Wales," which having been read,

Mr. *Campbell* begged to ask the noble Lord, if it was the intention of Ministers to concentrate all their views with respect to the Reform of Parliament in the measure which was before the House, or whether they intended to have separate bills for the reform of the Irish and Scotch representation, and also for the changes proposed to be effected in the elective franchise.

Lord *John Russell* remarked, that if the hon. Member had attended to the Order which had just been read by the Speaker, he would have found, that the measure now before the House related only to England and Wales; if the consent of the House was obtained to the proposed alterations, he should successively move for the introduction of Bills to Reform the Scotch Representation, and afterwards that of Ireland. These three Bills would contain the whole of the measures which Ministers proposed to introduce.

Mr. *Hume* then rose and observed, that when he moved the adjournment last night, he did so under an impression that a subject of such importance as that on which they were deliberating could not receive that attention which it deserved unless he did so; but he had by no means intended to obtrude himself on the notice of the House at so early a period in the Debate as the present. Being, however, by courtesy in possession of the House, he would take that opportunity to state his opinion on this important measure. In doing this he was bound to say that, Radical Reformer as he certainly was, the plan which the noble Lord had introduced exceeded by far all the expectations that he had formed of the intentions of Ministers under the existing circumstances. He must beg the House to hear him out before they cheered him so loudly. With all the disposition which he certainly had to place confidence in the Ministers, he must candidly declare, that he could scarcely have expected them to come forward in a manner so manly and straight-forward as they had done. He was bound to acknowledge this, because there was no question of such paramount importance as that of

Reform, and he felt that the Ministers had fully redeemed their pledges on this subject. He gave them this credit the more readily, because they had not, in his opinion, fulfilled their pledges on the two other subjects of economy and retrenchment, which, however, as compared to reform, were absolutely nothing. Any changes in the representation of the country must be attended with difficulty;—how much more, then, a change like this, which was so extensive that it was from the worst scheme of representation almost to the best? Whilst the plans of the noble Lord were yet undeveloped, it had struck him that they would prove defective; but when they contemplated such changes as must meet, he was happy to say, the public expectations, he must add, that the Ministers had done wisely in avoiding to encumber the great measure of reform which they recommended, with questions which in themselves involved separate and distinct considerations, and which might be brought forward at any future period. It was, therefore, his opinion, that the considerations respecting the adoption of the Ballot had been wisely deferred until the effect of the changes which were contemplated by the present measure was tried. There might be some objections taken to separate parts of that measure; but, on the whole, the alterations it proposed promised to be productive of so much good, not only to the people of England, but also to the Crown and to the Aristocracy of this country,—that he, for one, would not, for any subordinate considerations, stand in the way, or throw any impediments in the path of Ministers with regard to its adoption. Should, however, any suggestions be thrown out in the course of the Debate which was now about to ensue, which might be advantageously adopted, he thought that Ministers would act wisely in availing themselves of those suggestions, in order that they might bring the plan of Reform to as great a degree of perfection as was possible. He had the pleasure to state to the House, that all the persons with whom he had conversed that day on the subject of Reform, had expressed their entire satisfaction in the plan which the noble Lord had propounded to the House. In his opinion, and in theirs, the Ministers had acted with perfect wisdom in meeting, as they had done, the rising wishes of the country, avoiding the risks, by proposing to effect changes legally and properly,

which had been incurred on former occasions, by refusing to listen to the expression of the public wish. On this ground he was disposed to give his most cordial support to the measure; and although many of the Reformers of England would probably feel disappointed, and would think that the qualifications for voting were too high, and that some other principle ought to be adopted in that respect, still there was too much good sense in the British community not at once to see the vast portion of good which would be gained by the measure, and not to concur in its adoption, when such manifold advantages must necessarily accrue to the whole community from its effects. And he should like to know what classes in England were more likely to derive benefit from it than the two extremes, the high and the low, who were, as experience had amply shown, always the greatest sufferers in violent and abrupt changes. The bases upon which the Reform was to be effected were those of population and property; they might have been extended to the payers of taxes and the holders of civil offices, but it would be difficult to combine all these four qualifications, and in selecting those two of the four, he thought the Government had done that which was most likely to meet the general approbation of the country. He did not say that these principles were not open to objection, but they combined, in his opinion, more advantages than could be obtained by settling the qualifications in any other manner. The two speeches that he had heard last night, on the side of the House where he stood, appeared to him to be directed against any kind of Reform whatsoever; but he would put it to the House, as well as to the country, whether they were in a situation, even to preserve the Government of the country without any Reform. A noble Lord (F. L. Gower) below him had last night painted in glowing colours the prosperity of Scotland, and had said, that if one of the old Scotch Reformers could rise from his grave, and witness the prosperity of his country, he would be more than satisfied. The noble Lord who condemned the measure and opposed Reform, thus left the House to suppose, that the prosperity of Scotland had arisen from a limited and corrupt state of representation. He admitted, that since the period to which the noble Lord alluded, Scotland had risen to a greater pitch of prosperity than

any other country in Europe; but then no one could mistake to what this was owing: it was owing to the Union of Scotland with England, and to its participation in the commerce of a more wealthy and farther advanced country. He would tell the noble Lord, however, that the improvement would have been greater, and that there would have been more content, and more satisfaction, as well as more prosperity, among the people of Scotland, if they had had a different system of representation. Less than 3,000 individuals had hitherto elected all the Members for Scotland; and the present proposal of the Government was, to increase those 3,000 to 60,000. Thus there would be a sympathy between the governors and the governed, and the people and their rulers would co-operate together in harmony to advance every measure for the public good. The noble Lord was the first person whom he had ever heard say, that the state of representation in Scotland ought to remain unchanged; and as to what the noble Lord had said about the system working well, if that were true, how had it happened that the people of Scotland had risen up in arms and crowded the Table of that House with petitions for a change in the system of representation? But to return to the plan of the Ministers generally. He would not detain the House by going into the details of that plan, but content himself with one or two observations. In the first place, he perfectly concurred in what had fallen from the noble Lord (Lord John Russell) opposite, as to the propriety of reducing the number of the Members of that House. He should have been glad to reduce the number by another 100, for he was sure that 500 were enough to constitute any deliberative assembly, and he hoped, therefore, that by some future Reform, the reduction might be carried further. Hon. Gentlemen did not seem to like to be told that that House, as at present constituted, did not possess the confidence of the people: but when he asked himself the question—"Does this House possess the confidence of the people?"—and when he looked to the petitions on the Table for an answer, he found but one answer from them all, and that was "No." Was it not wise, then, to meet the demands of the community, and prevent the mischiefs which must ultimately result from persisting in turning a deaf ear to the voice of the people? Allusions

had been made to the changes which they had lately witnessed upon the Continent; but to what were those changes to be attributed but to not attending in time to the desires of the people? The demands of the people would force themselves upon the attention of their rulers. He did not allude to physical force, for that was not requisite, nor was he afraid of it, since he was sure, that the influence of public opinion must prevail, and effect all that was necessary, without appealing to the aid of physical force. He would call upon those who were anxious for a beneficial change in the representation of the people of this country to support the change proposed by the noble Lord, and he would caution all men, there and elsewhere, against setting themselves up against the salutary and timely Reform which the plan of the noble Lord was calculated to effect. Let them who were inclined to do so consider the consequences which must attend the putting off Reform, before they attempted to thwart or oppose the Government on this momentous occasion. He called upon every man who valued the peace of the country, and who was desirous to promote the interests of the people of this empire, to consider the absolute necessity which there was for supporting the Government in carrying through a measure which introduced the most important alterations ever made in the state of our representation, and which was calculated to effect the greatest possible good for the country at large. He entreated hon. Members to take these measures into their most serious consideration, and he was confident that they would arrive at the same conclusions to which he had come upon this subject. Having said so much, he should not trespass further upon the time of the House, but he could not sit down without repeating his determination to give his cordial assistance and hearty support to his Majesty's Government upon this occasion.

Mr. J. V. Shelley and several other Members rose at the same moment. The hon. Member, having been called upon by the Speaker, proceeded to observe, that he did not rise to answer the speech of the hon. member for Middlesex. He confessed, however, that, although decidedly opposed to the measure of Reform proposed by his Majesty's Ministers, that speech gave him great satisfaction. The hon. member for Middlesex talked of

future Reforms, and the House had his authority that the present measure, comprehensive as it was, would not set the question at rest. He rose, however, he repeated, not to reply to the hon. member for Middlesex, but because he felt that he should be doing injustice to himself if he gave a silent vote. The vital importance of the subject which had been introduced by the noble Lord—its importance, not only to the House, but to the country, who waited for the result of their decision with breathless anxiety—might, perhaps, be considered a sufficient reason for every Member desiring to express his sentiments on it. Those who considered the proposed measure as the prelude to future anarchy and misery, and those who considered it as the best means of averting all those misfortunes which it was desirable for a nation to avoid, however they differed in opinion, must agree that the decision of that House on this question was looked to by Great Britain—and he might say by all Europe—with the utmost anxiety. For his own part, he stood peculiarly situated with regard to this question. He represented one of those boroughs (Gatton) which had been particularly alluded to by the noble Lord. He assured the House, however, that his vote on this occasion should be given without any reference whatever to any such considerations. His feeling of decided opposition to the measure proposed was founded on the conviction that it would lead to the utter subversion of order and good government. He could assure the House, that such were his conscientious feelings, and that he should not suffer any other considerations to influence his vote. He should not have felt himself justified in taking up the time of the House on a subject connected in any degree with his personal interests. He had often heard it said in that House, that the Representatives of close, or, as the noble Lord was pleased to call them “rotten boroughs,” could not by any possible means give their free and unbiassed votes on any question. Now, he contended, that the only truly and thoroughly independent Members in that House were the Representatives of the close boroughs. He had not any intention of offering the slightest disrespect to those who represented large manufacturing places or counties, but he asserted, that they were all, in a certain degree, fettered by local interests and prejudices, whilst the Mem-

bers for close boroughs, not being under the necessity of deferring to the views of persons having local interests, considered themselves as the Representatives of the whole country, and were necessarily purer, more unfettered, and more independent, than the Representative of a manufacturing district or of a county. The Members for boroughs, he contended, therefore, were more likely to consider any public question according to its intrinsic merits, and to give free and unfettered votes. But, if there were no other argument in favour of close boroughs, one might be found in the fact, that many of the most able, enlightened, eloquent, and useful Members of that House, were found enrolled amongst the Members of close boroughs. Was it not notorious, that many of the most eminent men now in the House—men without whom the business of Government could not go on, were the Representatives of close boroughs? Recollecting this, he would not by his vote consent to the disfranchisement of any one of them. On this subject he might refer to the speech of an able and much lamented Statesman, whose opinions on this and other subjects were frequently alluded to, and had been often quoted before—he meant Mr. Canning. The ability, the eloquence, and the talent of that right hon. Gentleman ensured him the respect even of those who were opposed to his political principles. But the sentiments of Mr. Canning, he presumed, would be received with peculiar respect by some of the right hon. Gentlemen who now occupied the Ministerial benches, and who had always acted with that distinguished Statesman. In a speech delivered by Mr. Canning, at Liverpool, in 1820, he made the following observations:—“My lot is cast under the British monarchy. Under that I have lived, under that I have seen my country flourish, under that I have seen it enjoy as great a share of prosperity, of happiness, and of glory, as, I believe, any modification of human society to be capable of bestowing; and I am not prepared to sacrifice or to hazard the fruit of centuries of experience, of centuries of struggles, and of more than one century of liberty as perfect as ever blessed any country upon the earth, for visionary schemes of ideal perfectibility, or doubtful experiments even of possible improvement.”—These were the words of Mr. Canning, and, when the right hon. Gentlemen were reminded of them, it would

be for them to explain the problem, which was beyond his solving, how they, the disciples of Mr. Canning, brought up in the school of that Statesman, and looking up to him as to their idol, not only sanctioned by their votes, but were the very people to bring forward this measure, in direct opposition to all the sentiments of Mr. Canning, and all the principles of his political life. It was certainly a most sweeping scheme which the Ministers had brought forward; but yet he did not think they would be very much vexed and annoyed, as many supposed, if that scheme should be defeated. They must excuse him if he thought, that though they were willing to redeem the pledge they had given upon taking office, yet now that they had become sensible of the difficulties of office, were they free again, they would not be likely to renew such a pledge, although they had used it as a *coup de grace* to overthrow the then declining Administration. He was convinced also, that many hon. Gentlemen believed that Ministers, but for the pledge which had been given, would not be willing to give their support or sanction to such a supposition as that made by the noble Lord. He knew he should not be able to bring forward any new argument on this subject, but he was anxious that it should not be supposed that he merely opposed the measure, because he represented a close borough. It was not because he stood there, as the noble Lord had stated, as the Representative of a green mound,—or of three ditches—or of a beautiful green park, as the noble Lord was pleased to designate it,—that he opposed the measure. He felt that it was calculated to overturn all social order and good government, and it was in accordance with that feeling that he should give the proposition every opposition in his power. If it were not presuming too much, he would address himself to those hon. Members engaged in trade or business of any kind, and ask them how the measure would affect them? How would it affect those whose business and professions obliged them to reside constantly in the metropolis? He was satisfied that, if the proposed measure was passed into a law, no one but those having a local interest, none but persons having means, and opportunity, and time to cultivate an intimacy with the voters in some district of the country, could ever hope to obtain a

seat in that House. The lawyer, and the banker, and the merchant, therefore, must bid farewell to those walls for ever. In his opinion, no Government could last for six months, with such a system of representation. The affairs of the country would be neglected, and in a short time they would arrive at that climax of confusion, the *ne plus ultra* of Radical Reform, Universal Suffrage, and no doubt, he might add, Vote by Ballot. For the benefit of those residing in the metropolis, however, and as some compensation for the loss of the boroughs, the noble Lord proposed to give a certain number of additional Representatives to the capital. He extended his beneficence to St. Giles's-in-the-Fields, St. Martin's-lane, and the parish of Mary-le-bone — parts of the town which were fixed upon by the noble Lord on the ground of the respectability of the inhabitants, and which were in future to have the power of sending Representatives to that House. The noble Lord, however, did not mention the parish in which he (Mr. Shelley) lived. The noble Lord probably was not aware of it; but, as the borough which he represented was held up as the first that ought to be disfranchised, it would only have been fair that the parish in which he lived should have a Representative. If that parish had come within the sphere of the noble Lord's benevolence, and was to be entitled to return a Representative, he had no reason to think that he should be elected for it; but at all events he might have a chance. He had the honour to reside in the parish of St. George, and he did not know why that parish should not be represented as well as the parish of Mary-le-bone. [Mr. Lamb said, that St. George was in Westminster.] St. George's might be in Westminster, but why should it not have a Representative of its own, as well as St. Giles's, or St. Martin's, or Finsbury, or any of the other districts to which the noble Lord intended to give the franchise? He would not trespass further on the attention of the House. He merely rose to prevent the imputation which might fall upon him if he had given a silent vote. He was decidedly opposed to the proposition of the noble Lord; and he hoped, from the bottom of his heart, that so bad a measure, so revolutionary a measure, and, he might add, so Radical a measure, would meet with decided reprobation from that House,

Mr. C. B. Wall assured the House, that he should not trespass long on its attention. He was glad to observe, that the speech just made by the hon. member for Gotton was received by a part of the House as he thought it deserved; but he was sorry to see it received in a very different manner by another part of the House. It was not because the hon. Member represented a borough that his speech should be received without that deference which ought to be paid to the sentiments of every individual upon such a subject. He (Mr. B. Wall) did not know how any observations would be received from him, as he was a Member for one of the boroughs (Guildford) which, if the measure before the House was adopted, would only be permitted to send one Member to Parliament. Though he represented one of the half-pure boroughs, therefore, which it was proposed should have some share in the representation, yet, as he was to be considered as only half a man, he was apprehensive that he was only entitled to a small portion of attention from that House. He felt emboldened, however, as an independent Member of Parliament, to state his sentiments on this absorbing question, because he felt its importance to be so great, that he could not give a vote of confidence on that, as he had often done on other occasions. On such a subject he could not make any man the keeper of his conscience—nor did he think that any man could with propriety on a subject of such vast importance pin his faith upon the judgment of any other man. He confessed he looked with distrust and suspicion on any measure proposed by his Majesty's Government, and he should state the reasons. He must beg leave to call attention to the fact, that although they were unanimous on this subject now, that unanimity had only occurred at the eleventh hour. If they had been told that the measure was brought forward with doubt and fear, and trembling and anxiety, as it must be regarded by every man who had property or intelligence in the kingdom, he should have been more disposed to receive it favourably. But he must be allowed to remind the noble Lord who brought forward the measure, and of whom, though he might differ with him on any subject, he must always speak with respect and regard, that he had made no such declarations. He might be allowed, also, to remind the House how the

unanimity of his Majesty's Ministers had been brought about. Their unanimity had been gained by concession and conciliation, and not without some deviation from their principles as individuals. When the Cabinet met to discuss this question, he had no doubt that one noble Lord said, "I give up Vote by Ballot;" another noble Lord said, "Then I give up the close boroughs;" and a right hon. Gentleman, not to be outdone, said, "Well, I shall give up the Scotch counties." In this way the present measure was decided upon, and the unanimity of his Majesty's Ministers concerning it reminded him of what the man said in the play on the same subject. He believed it was Puff, in the *Critic*, who observed, "When they do agree on the stage their unanimity is wonderful." He admitted, that there never was a question brought forward with such advantages as the present; it was brought forward with advantages which were almost unconstitutional. To one of those advantages he should merely allude, as it would be fully understood, and he feared that the Speaker might interfere if he alluded to it more particularly. There was an advantage of that sort; and also an advantage arising from the threat which had been thrown out, that, if they did not behave properly, they would be sent back to their constituents. He did not fear to be sent back to his electors; he would be glad to be sent to meet them. He wished to God the Cabinet were as unanimous on the subject of dissolution as they were on the measure of Reform. He only wished that England was more tranquil, and Ireland as they all wished her to be, and then that his Majesty's Ministers dared to put their threat of a dissolution into execution. With respect to the measure itself, he must be allowed to say, that it seemed to be founded very little on a consideration of the contents of the petitions presented to that House. The Return moved for by the hon. member for Preston (Mr. Hunt), whom he wished to speak of with the greatest respect, had not yet been laid before the House, but he was anxious, before they came to a decision on this subject, that they should know the number of petitions which prayed for such a Reform as was proposed to be granted, as compared with those which prayed for Reform, coupled with the Ballot, and other measures, not included in the proposed scheme. He would take upon him

to say, before that House, and before all England, that there never was so glaring a discrepancy as that which existed between the measure proposed, and the views of the petitioners, upon which it was pretended that measure was founded and justified. He thought, that in discussing this question too little stress had been laid upon the tone and temper of that House, as contrasted with what prevailed in it in former periods. He wished to ask whether this was the age of misrule? whether any man of common sense would say, that at this time they were too apt to defer to authority? Ought any man to say, that a political Reform in Parliament was necessary, because Parliament was too subservient to Ministers? Was it not notorious that Parliament was strong, and that the Government was weak? Was there ever a period when the omnipotence of the people was so universally acknowledged in Parliament? He referred, in corroboration of this statement, to the declarations of the right hon. Baronet (Sir R. Peel), and of the noble Lord (Althorp), of whom he should always speak with respect; though the noble Lord, as he conceived, had deserted his principles, now leaving him sitting at the Opposition side of the House, instead of sitting behind the noble Lord. He put it to every man who heard him, whether that House was now so constituted, that any Government could come down and be certain of a majority? He asked, whether the Members were not honest and diligent; whether, upon looking to the legislative institutions of other countries, either at present, or at any period of history, it was found that they possessed more independence with freedom, and less venality and corruption, than were to be found in the Legislature of this country. He asked with diffidence, as regarded those countries, with which he was not particularly well acquainted, whether there was any country in which property and talent were better represented than in England? He believed it would be acknowledged by every man acquainted with the history of this country, that there was not so much venality in that House as there used to be; nor were there now so many placemen Members of the House as formerly. In 1783, when the first Earl of Liverpool wrote, he mentioned that there were fifty placemen holding seats in the House of Commons. Under the last Ministry there were thirty-

five Members of that House holding offices under the Crown; and he believed the number of such persons was now smaller than it had ever been. In fact, he believed there was now a difficulty in getting up a grievance on this subject. It required the microscopic eye of the hon. member for Middlesex to descry any abuse existing at present. If this picture was considered to be exaggerated, he might refer to the declaration of the right hon. member for Tamworth, (Sir Robert Peel) to show in what estimation the Government and that House held public opinion. The right hon. Baronet said on a late occasion, "that he was quite sure no Government could go on in this country without popular opinion being with them." As the right hon. Baronet might be considered as an anti-Reform witness, however, he would refer to the emphatic declaration of the noble Lord, the member for Northamptonshire, (Lord Althorp,) that "he thanked God the time was passed when the Government of this country could be carried on by patronage." It was most extraordinary that, on this subject, no one seemed anxious to state the extent to which he was willing to go. But it was most important that men should state how far they did go with those reforming principles, as they were called. He was desirous of referring to some extracts from the *Westminster Review* and *Examiner* newspaper, for the purpose of shewing what were the opinions of Reformers. Of those publications he wished to speak with respect, as he derived much information from them. He did not wish to call the attention of the Attorney and Solicitor General to those publications, with a view to any prosecution, but he wished the House to be put in possession of the opinions of the country, for he presumed it would be conceded to him, that in deciding on this question, the House ought not only to know what the Government proposed, but what the country would be satisfied with. In speaking of the Ballot, there was the following passage in the *Examiner* "The Ballot is the instrument that will break our bonds asunder, and dash to the dust all the foul powers of the Oligarchy. We must not omit to mention, that we observed this significant circumstance at the Middlesex Meeting, that fervent loyalty to the Throne was expressed, together with the choice of civil war in preference to submission to

existing grievances." And again—"Efficient Reform will turn the privileges of the Peers to dust and rottenness." So much for the *Examiner*. The extract which he would read from the *Westminster Review* was sharp and short:—"Anarchy is fearful, but it is a passage sharp and short; while the misrule under which the nation has suffered every sort of injury, moral, political, and financial, is a chronic disease, a continuous affliction, spoiling the health, the temper, the spirit of the community; and should it come to the question of passing through the fiery ordeal of anarchy, or supporting the system that threatens us with it, we speak the sentiments of tens of thousands when we assert, that the crisis would be preferred to the maintenance of the Oligarchy in its accursed domination;" and again—"The Aristocracy have had their long and disastrous day; it is now the time of the Demos. The choice is momentous, Reform in Parliament, with the Ballot, and a National Guard, or the Aristocracy and Anarchy." He did not know whether these extracts would make the same impression on the House as they had made on him. It was fitting, however, that the House should be aware of the opinions which some persons out of doors entertained on the subject of Reform. There were various classes of Reformers. As to the moderate Reformers, one scarcely knew what to say of them. They dealt in generalities. If asked what they objected to, they did not quite know. If asked what they wanted, they could not quite tell, though they were most ingenious and respectable persons. Perhaps he ought not to speak of them with disrespect, for it happened that he was one of the moderate Reformers himself. A noble friend of his, now a Member of the other House (Earl Dudley), made a most effective and impressive speech in favour of moderate Reform, and though that speech was made in 1817, it had never been answered up to 1831. As a moderate Reformer, he would say, that the first object was, to get rid of the measure which had been proposed. It was impossible that it should be carried. If that measure were got rid of, however, he should not be indisposed to consider whether something, far short of that, however, might not be done. When one came to look into the present state of the Representation, it was impossible not to see that there was no system. It was made

up of contradictory principles; and it might be said, as there was no system in the representation, so certainly there was no system in the proposed Reform. One of the principal objects of the proposed measure appeared to be, to get rid of the Corporations of England. Now, he objected to what was brought forward as an act of grace and favour being converted into a measure of harshness and disfranchisement. The Corporations had a right to have their interests as well supported, and as maturely considered, as the interests of any other class. He was brought up to entertain great respect for Mayors and Aldermen, and he conceived it equal to talking of an equitable adjustment to think of throwing them overboard. Not only, however, were the Mayors and Aldermen to be thrown over—to that he might have been reconciled in his old age—but, as he lived in a district purely agricultural, he had no certainty, that in a few years there would be any representation at all. Population was in future to be the standard of representation. Cornwall had forty-two Members; it was proposed that it should have only twelve Members. Hampshire, the county in which he resided, was to have three boroughs disfranchised—Petersfield, Stockbridge, and Whitechurch. The compensation which that county was to receive was two additional county Members. As something was taken, away, however, Portsmouth was to continue, which always returned two Whig Members, it happening to be a Whig Corporation. An hon. relation of his was one of the Members, but, under the proposed plan, two of the junior Lords of the Admiralty would always represent Portsmouth, whoever should happen to be Ministers. They had last night a description of the Privy Councillors going in great state to divide the counties. It was to be feared, however, that their journeys would be most frequently to the North. The stream of population, with the manufacturing skill and industry of the country, was flowing northwards, where there was abundance of coals, and where machinery could be advantageously brought into use. Hereafter, therefore, the representation of the country would be confined exclusively to the northern districts. Even now it was not proposed to give Dorsetshire an additional Member, and, in process of time, Hampshire and

Wiltshire, and Dorsetshire, and Surrey, too, would be left without Representatives. As to the additional Members for London, that part of the plan had been so ably adverted to by the hon. member for Gatton, that he (Mr. Wall) had little to say on it. It was quite clear, however, that if two Members were given to Marylebone, in a short time Paddington would be clamorous and Hampstead factious for Representatives. Yet the noble Lord talked of this as the final settlement of the question. The noble Lord could not wait even for a new census; and founded his Bill on what appeared to be an unjust principle; for if the noble Lord had taken the census of 1800, where would Brighton and Cheltenham have been? Those towns had no existence in 1800; but in the census on which the noble Lord proceeded, Brighton appeared to have 25,000 inhabitants, and Cheltenham 15,000. The noble Lord, however, was so eager for the final settlement of this question, that he would not wait for the new census; which was certainly unjust to those towns which had increased much in population, since the last census. He did not wish to go into the question, whether the nomination boroughs had been the means of introducing into that House the great and eminent men, who, from time to time, had enlightened it with their advice; but he would ask the noble Lord, if he had digested any plan for the return of those who held places in the Government, or if he thought they would be returned under the operation of his measure? Neither did he think that a reformed House of Commons, on the plan of the noble Lord, would be the best qualified for the discussion of difficult question. He knew not whether such a House would be the most capable of dealing with all the difficulties of the West-India question, or with the niceties of free trade in corn, or with many others which were likely to come under discussion before long. Upon the whole, he thought that some of the cities of refuge should be preserved. He also doubted whether a reformed House of Commons would have passed the Roman Catholic Relief Bill, as the last Parliament had done, to its honour. It was not difficult to anticipate, too, that times might arise when it would be necessary for that House to resist a popular outcry in favour of war. But, in addition to all this, he would say that he did not wish to see that House a purely

democratic assembly. He wished to see the Constitution with its three Estates of King, Lords, and Commons; but he also wished to see the connection between aristocracy and democracy still subsisting in that House. It was curious to observe the infusion of popular feeling which had made its way into the House of Lords since its numbers had been increased. It was obvious that, at the present day, it partook much of the character of a popular assembly. But, while the popular influence had increased, that of the Clergy had remained stationary; and no doubt it would be a satisfaction to the hon. member for Middlesex to know, that, from the change which had taken place in the constitution of the House of Lords, a Bishop, at the present day, was only one-seventh part as dangerous as a Bishop at the commencement of the reign of George 3rd. In their reasonings upon this subject, they ought not to forget that Gatton and Old Sarum were not creations of yesterday, and that what the *Examiner* called the "foul oligarchy" existed in old times, when the language which had lately been used with regard to the transactions at Stamford and Newark, would not have been borne, though it was probable such consideration would produce but little effect upon those who considered the accident of birth a misfortune, and a hereditary Peerage a curse. His opinions might not be popular in that House; but nothing could have induced him to give them utterance if he did not conscientiously believe that they were well founded. He was not one of those who considered the machinery of Reform of so much importance as some appeared to do. He would remind the House, that the spirit of Reform was abroad, and that all they had to do was, so to guide and control that spirit, as to render it, as it ought to be, conducive to the dignity of the Crown, the safety of the national institutions, and the good of the people.

Lord Viscount Newark, in replying to one or two observations of the Gentleman who last addressed the House, said, that he believed the official Members then in the House, would find no difficulty in retaining the seats which they at present held. With respect to Cornwall, which as the hon. Gentleman complained, was to have only twelve Members in future, instead of the present forty-two, he was sure that the people of that shire did not feel them-

selves at all represented by the present Members, and that they were well satisfied with the effectual Representation which they would have under the Bill of his noble friend. They would look with more satisfaction to the change in the quality of the Representation than they would have looked to an increase of the number of their Representatives; and they by no means considered themselves aggrieved by the diminution of that number. He was far from participating in the satisfaction of the hon. member for Gattton, at the declaration of the hon. member for Middlesex. He was very sorry to hear that expression. Instead of hearing the hon. Member say that he considered the present measure only a stepping-stone to God knows what, in future, he had expected that he would be more than satisfied by the Bill. He had in his hand the speech of an hon. Member of that House, of considerable influence, to whom he would not more particularly allude than to say, that the speech was delivered in July last, at the close of the last Session, indeed, on the last occasion when the House met in a Committee of Supply. The hon Member had then said, "that he would take that opportunity of making a few remarks, which, if proper attention were paid to them, would be productive of the greatest advantage to the country. The great subject of complaint, the hon. Member had said, was the excessively burthensome nature of taxation, and he would venture to suggest to the country at large, that the means of reducing it, would be soon placed once more in its power. Upon analyzing the Constitution of that House, he had discovered that it was still in the power of the people of England, if they were true to themselves, to return a majority of Members independent not only of the borough-holders, but of Ministers themselves. The hon. Member then added, "that seventy-five out of the 100 Irish Members were really elected by the people, and which made a total of 369 Members who might be compelled, if electors only performed their duty, to support every proposition for the public good." The hon. Member had then observed, "that a great man (Mr. Pitt) had said, that it was utterly impossible for an honest man to sit in that House as a Minister, but that he hoped that the day was gone by, and that it was no longer necessary

for a Minister to be a rogue."* He (Lord Newark) doubted not that that would be considered a high authority to justify him in saying, that the people had no right to complain of malversation on the part of Ministers, when they themselves had the corrective in their hands, did they possess the virtue to exercise it. Though he fully concurred in the assertion that the people had the means of correction in their own hands, even in the present state of the Representation, yet he was decidedly favourable to Reform; for the virtue of the people, however great, would not be at all the worse for the assistance which a regular and well-ordered Representation would supply. There could be very little doubt that the sympathy which formerly existed, and which at all times ought to exist, between the people and their Representatives, had of late, and especially within the last two years, been greatly diminished. Such being the fact, how could the Government and the Legislature look for that support which could alone be derived from the people, and which, in times so overcast as the present, became doubly important. Though, as he had stated, he was a warm and sincere friend to the measure of Reform, he was not so sanguine as to expect that it would all at once produce the effects which its more enthusiastic advocates anticipated. He did not suppose that at a moment's warning it would put an end to all the corruption which had formed so extensive and so just a subject of complaint; for as long as two parties were found ready and willing to play at the game of corruption, so long would it be continued; but it was the vainest of all possible expectations to imagine that a reformed Parliament would not do more than anything else to abate the evil. At all events, what he would say was this, that the time had arrived when the Parliament was bound to take the just complaints of the people into consideration; when they were bound to admit that the people were not fairly represented in that House, and redress the grievance which was involved in the admission. He confessed that, for his own part, when he first heard the scheme of his Majesty's Ministers, he was not prepared for a measure altogether so sweeping. He trusted

* See Hansard's Parliamentary Debates, Vol. xxv, New Series, p. 1074.

that they might, in some respects, be induced to modify it; for the boroughs proposed to be disfranchised included many which were not in the nomination of individuals. Nevertheless, if the matter came to the push, he would rather adopt the proposition of Ministers to disfranchise all those boroughs, on the one hand, than, on the other, to have no Reform at all. If he were reduced to that alternative, he should not hesitate to give the Bill of his noble friend all the advantage which could be derived from his humble support, even though not one letter of it should be altered.

Lord *Darlington* said, that the details of the measure, as stated by the noble Lord opposite, were perfectly clear and intelligible, and that statement had been made and supported in a manner highly creditable to his talents and reputation. It was impossible for a bad cause to have had a better advocate. Nothing could possibly be added to the number, the force, or the value of the arguments which he had brought forward; but at the same time it was to be observed, that the noble Lord brought forward those arguments like an able counsel; he dwelt chiefly upon topics favourable to his own view of the subject, and only noticed those objections to his plan which, he confidently believed, admitted of being fairly and conclusively answered. Though the noble Lord had treated the question as one which admitted of little being said on the side of it opposed to himself, yet it was nevertheless true, that much might be said on both sides; and, as an unprejudiced and independent Member of Parliament, he felt it to be his duty to give the question then before the House, his most attentive consideration—carefully to weigh the arguments on both sides, and adopt that which was most recommended by reason. It might be said, that he was himself one of the aggrieved parties, by the measure under consideration that night. Perfectly true; but did it thence follow that he was incompetent to form a right judgment upon the matter at issue? He should deem himself utterly unworthy of a seat in that House, were he capable of being influenced by such considerations. He should despise himself, were he guilty of allowing anything like party-spirit to have the slightest weight with him, in any vote which he might give in that House. He entertained the highest personal and pri-

vate respect for the noble Lord opposite, and for many of his political friends; he was, therefore, no party man; he never had evinced towards them a feeling of hostility at any period, neither should he on the present occasion. So far from thwarting any measure of the present Administration, he should adopt a totally opposite course; but he must be allowed to say, with reference to this Reform question, that at every step he encountered barriers insurmountable. He trusted that, in laying before the House the considerations suggested to his mind by the question which the noble Lord opposite had brought under their consideration he should obtain that candid hearing, and that fairness and just allowance, to which every hon. Member was entitled. He had considered the matter most deeply and attentively—he had given it all the consideration in his power—he had arrived at no rash conclusion; and in coming to the discussion of it, he was influenced by no motives, except those which arose from an earnest desire to promote the welfare and the interest of the great body of the people. The question of Reform had now been agitated for more than half a century, but within the last two years, and more especially within the last six months, it had become an object of paramount importance. He, of course, could not conceal from himself—neither could any hon. Member of that House shut his eyes to the fact, that the late revolutions in France and Belgium had considerable influence in producing this change in the public mind. It was also to be observed, that the question of Reform partook somewhat of mystery, for it might be nothing, and it might be everything. The principal persons who desired Reform were, he believed, the middle classes, who had been gradually growing up into power and wealth, and the very lowest classes, who were the mere tools in the hands of ambitious and designing men. They had been taught that Reform was to annihilate taxation; and they expected, by a change in the representation, to be elevated to opulence and power, and to wrest from the hand which had long and successfully wielded it, the sceptre of dominion. After they had set aside the constitutional laws, the laws relative to property would follow, and a general scramble and general confusion would be the result. He was ready to admit, that the representative system was

not quite perfect, but the country had, for a period of more than 150 years, enjoyed a degree of prosperity, under existing institutions, which was unparalleled at any antecedent period. He was still not so bigotted as those who thought that no concession ought to be made. On the contrary, he said, that new and respectable classes of men were rising in society, that commercial wealth was increasing, and he certainly was of opinion, that each and every respectable class should have the means of making their wants and wishes known to the Legislature, by Representatives of their own choosing. On this principle he admitted the necessity of giving Representatives to some of the large towns, though he felt some difficulty as to the best method of accomplishing that. The best plan seemed to be, that those which were called Rotten Boroughs should be carefully observed, and when they could be detected in any act of delinquency, they should be deprived of their charter; for that would be nothing more than their just deserts, and their franchise transferred to more thriving places. He certainly was one of those who thought, that as new interests arose, manufacturing and otherwise, they ought to be represented in that House; but he could not, therefore, consent all at once to disfranchise so many boroughs, which was, in effect, the confiscation of so much private property, without compensation to the owners of those boroughs. There were two points upon which he was prepared to insist—namely, the enfranchisement of the large towns, and the disfranchisement of certain boroughs, when their guilt deserved it, or if compensation were made to the owners of them; but so long as he had a sinew in his right arm, he would oppose the present sweeping measure of confiscation, as he would oppose every approach to Universal Suffrage, or Annual Parliaments. He confessed, that though so much opposed to the sentiments of the noble Lord, he rejoiced that that noble Lord had not advocated the Ballot. He hoped he should never see the day, when any Minister of the Crown would sanction such a motion. There was one topic which he could not conclude without adverting to—namely, the frequent use which had been made of the occasional distresses which afflicted the country, and which were inseparable from any state of society. Reform could relieve no distress. It was the most cruel delu-

sion, to persuade people in distress that they could derive any advantage from Reform. For persons in distress, the best appeal would be, to the benevolent feelings of the upper classes. Finally, he could never agree with the supporters of the proposed Bill—he could never agree with those who sought to demolish the social structure, for the purpose of erecting their own temple in its stead.

Lord *Ebrington* felt, that he should ill discharge the duty he owed to his constituents, representing as he did the large county of Devon, if he did not request the indulgence of the House—an indulgence to which no claims of his own entitled him—while, on behalf of his constituents and of himself, he returned thanks to the noble Lord opposite, and to his Majesty's Ministers—to that united Cabinet which had deputed the noble Lord to propose so important and so acceptable a measure; and to those thanks might he be permitted to add an humble expression of gratitude to their gracious master, who had given his sanction to a proposal so calculated to benefit his people.

An hon. *Member* rose to order. He conceived, that any allusions to the opinion of the Sovereign, with the view of influencing the votes of hon. Members in that House, was clearly a breach of order. It was, there could not be a doubt on the subject, most unconstitutional to attempt to influence the opinions of Members of that House by any allusion to the sentiments of the Sovereign. In a word, he wished to know if it was orderly or constitutional for any hon. Member to attempt to influence the votes of that House by any introduction of the name of the Sovereign?

The *Speaker*. The hon. Member has asked, whether it is constitutional in any Member to introduce the name of the Sovereign, with a view to bias the judgment of the House? In answer to the hon. Member, I have only to say, that if he be fully persuaded that the *data* on which he proceeded is well-founded, in assuming that the name of the Sovereign was introduced for the purposes of bias or intimidation, then there can be no doubt that nothing could be more disorderly than the introduction of that name into any debate or discussion in which this House could be engaged; but, at the same time, if it should appear that the name of the Sovereign was introduced merely for the pur-

pose of stating to the House, or rather reminding the House of what was well known—namely, that by the Constitution, Ministers were responsible for the measures they proposed, and the Sovereign, possessing by his prerogative the power of changing his Ministers, the Constitution presumed that every act or measure of the Administration had, by the fact of their continuance in office, the sanction of the Sovereign. And it was not, therefore, disorderly to call the attention of the House to anything which, by the Constitution, the House, it was presumed, already knew. It was no communication respecting the sentiments of the Sovereign, for it communicated nothing, if the Ministers of the Crown were acting constitutionally, which the House did not know before hand.

Lord *Ebrington* resumed. He hoped that the hon. Member was now satisfied; he trusted that the hon. Member was satisfied, that though what had been a little inconsistent with the strict theory of order in that House, yet that it was not inconsistent with what had been the practice of the House of late years. Not only was it the practice of that House, but he could, from the other House of Parliament, produce authority of the very highest order, for an allusion as direct, perhaps more direct, and stronger than that which he had made to the sentiments of the Sovereign—an allusion which had been made in the course of a debate not many years ago. To return to the subject with which he had set out. He felt it to be his duty, on behalf of his constituents, and in his own name, to return thanks in the most emphatic manner to the noble Lord, and to his Majesty's Government, for the measure which had been proposed—they were thanks that would soon be echoed from every part of the country, if there should be time to present the petitions that would be forwarded expressive of those thanks. The deepest gratitude was due to the Government for the safe measure—safe, because it was efficient and full. With one exception, the hon. members who opposed the Bill of his noble friend had urged arguments which made against the principle of the measure altogether—that exception was the hon. Member for Guildford—and he must be allowed to say, that the line that hon. Member took was worthy of the structure he defended; that speech was able and eloquent—full of ingenious and forcible rea-

soning. The hon. Member amused himself with detailing supposed debates in the Cabinet on the subject which then occupied the attention of the House—debates which certainly never took place, and which, if they had taken place, never could have been known to him. He alluded to the violent temper in which those supposed debates were carried on; and when he asked the House to reject the Bill, he gave, in his own speech, an illustration of the tone and temper in which it might be supposed that he thought the debates of that House ought to be carried on—a tone which was marked by a degree of asperity certainly not called for by anything which fell from the supporters of the measure. Referring to the arguments which had been used by hon. Members on the other side, he observed, that every one of them was opposed to the general principle of Reform; but, even as such, they were of small weight or value. It was no reason for continuing the franchise to Old Sarum, to say that it had been a decayed village 500 years ago—the original grant was a gross abuse of power, for the purpose of enabling the Earl of Salisbury to send a hereditary Representative into that House. Its continuance now was an insult and an injury to the whole people, and little compensation it would be to the inhabitants of Birmingham, Manchester, or Halifax, to be told that Old Sarum had been decayed and rotten since the middle of the thirteenth century, yet it had returned Members to that House with as ample a privilege as could be enjoyed by the most wealthy and respectable portions of the middle classes—those classes upon whom the present Bill proposed to confer more extended suffrages as the most fit to elect Representatives to sit in that House. He was proud to say, that he owed his seat to shopkeepers, tradesmen, and other persons belonging to the middle classes; but he was nevertheless connected with the aristocracy, and he should be the last man in the world to desire to see that body overthrown. He, however, apprehended no such result from the present measure, and he hailed with great satisfaction a Bill, the object of which was, to increase the influence of the middle classes, and add to the respectability of the electors throughout the kingdom, particularly increasing in numbers that great class to whom he owed his seat. The noble Lord on the

bench behind him was apprehensive that the measure went too far. He had no such fear; he had been, he confessed it, for many years a moderate Reformer; he was for paring off gradually a few at a time of the imperfections which had arisen upon the body of the Representation, getting rid at intervals of some of the decayed and rotten boroughs; but he since had reason to change his opinions. Still he could admire the chivalry which had been displayed in the defence of Gatton and Old Sarum—a chivalry worthy of a better cause. As he had already said, he had been for many years a moderate Reformer; but, on the most mature reflection, he had now arrived at the full persuasion, that if the principle were once conceded, the removal of one portion of the abuses existing would leave the remaining parts without defence. He, therefore, hailed with satisfaction a measure which would give due weight to all the several portions of the constitutional body, and to every interest in the State; and he hoped, that when the Bill was passed, it would have the effect—as far as any human law could have such an effect,—of conciliating the people of the empire; and of reviving, in a great degree, that sympathy and confidence which had once subsisted, and ought always to subsist, between the constituency and their Representatives. The sympathy which, he contended, ought to subsist between the people out of doors, and the Members of that House, had of late years been gradually declining; and, in his opinion, nothing would do more to revive it than the measure of his noble friend. In saying thus much, he was desirous to be understood as not giving up those opinions which he before entertained respecting some of the details of the Bill, but he should consider himself as an enemy to Reform, and to those principles which he had always advocated, if he were to suffer any difference of opinion he might entertain as to details to interfere with his support of the measure itself. He, for one, was happy to give up his opinion as to the shortening of Parliaments, and as to Vote by Ballot, in order to secure the success of a measure fraught with such immense benefits to the country and to the people. He sincerely hoped, that no advocate for Reform would press forward measures which could have a tendency in any way to interfere with the Bill before the House. He was well

convinced that the majority of his constituents were favourable to the Vote by Ballot, but still he could fearlessly go to them, and say, that he had given up his opinions in order to secure to his country the good which must inevitably result from this Bill. He did not wish to hold out any thing as a threat, but seeing, as he did, the feeling which pervaded the country, he thought he should not be doing his duty if he did not inform the House what he believed would be the consequences if they were to reject the present measure. Such a step on the part of that House could not fail to widen the breach between the people out of doors and their Representatives within, and this to such an extent that he dreaded even the contemplation of it. The confidence of the country would be entirely withdrawn from the House,—[*Cries of “No, no!” from the Opposition benches*]. Hon. Members opposite cried “No, no!” and such might be their opinion; but as an honest man he could assure the House, that he had not expressed one word beyond what he in his heart believed. Believing as he did, he put it to the House whether he should have performed his duty to the House or to the country if he had concealed his opinions.

Lord Stormont said, that though he could not give the smallest support to the measure of the noble Lord, he was most anxious that leave should be given to bring in the Bill, in order that the House and the country might be enabled to form an opinion upon its merits. Then would be the real time for expressing a correct opinion on the curious measure which had been brought forward on the previous night. The present system of representation had been in that House termed a farce; but he might in vain search every dictionary, lexicon, or book, to find a word calculated to describe the Motion of the noble Lord. The course of events, however, in the present Session, had fortunately furnished him with an epithet; and he would therefore denominate it the Budget of Reform. The noble Lord had divided his opponents into two parties, and the one he had described as fools, the other as bigots: those, according to the noble Lord, were the fools who were armed with the Mambrino helmet of Annual Parliaments and Universal Suffrage; and he (Lord Stormont) should certainly leave those hon. Gentlemen to fight their own battle. For himself, he presumed that he

was to take credit for being one of the bigots; and last night he had certainly found himself in a curious position, for he had on each side of him a staunch Reformer, but he was much delighted on looking a little further to the right, where he saw the Achilles of Anti-Reform (Sir Charles Wetherell) to whom he should be proud to acknowledge himself the Patroclus. There were three points with respect to the Motion of the noble Lord, on which he wished to observe; first, as to the manner in which it had been brought forward; secondly, as to the time when it had been brought forward; and thirdly, as to the provisions of the measure itself. In the first place, as to the manner in which it had been brought forward. The noble Lord, the Chancellor of the Exchequer, had told them, shortly after the Recess, that though this was to be a Cabinet question, it was to be brought forward, by a member of the Government indeed, but not by any Cabinet Minister; which he supposed had been adopted that they might be able to say, when the measure was lost, that it had not been a Cabinet measure. But he was now coming to a matter of much greater importance—he meant that system of intimidation which had been used by the right hon. Gentleman opposite. A most unconstitutional threat had been held out, that if they refused to adopt the measure which the Ministers in their wisdom might think proper to bring forward, the Parliament should be dissolved. Were such expressions as those to be tolerated from any Government, or from any set of individuals? In the name of his Majesty they had been intimidated over and over again, though care had been taken, as the noble Lord (Ebrington) that night had done, just to keep within the bounds of order. No doubt, the name of his Majesty had great power over many individuals, but he trusted that that power did not extend to the House of Commons. But if any hon. Member had been so influenced, let him tell him, that he was unworthy of a seat in that House. He would admit that the noble Lord had most ingeniously brought forward his threats and intimidations, by telling the House of what he called the just demands of the people; and though the noble Lord had retracted what he had said on the speech of his hon. friend, the member for Oxford (Sir R. Inglis), and used the word “redress,” he (Lord Stormont) would like to know the

difference between those two words. The greatest caviller must own that the difference was only the splitting of a hair; and when the noble Lord had used them, they had recalled to his mind a passage in a great Poet, so adapted to the present case, that he could hardly help believing that the prescient mind of that bard had dived into the obscurity of future time, and perceived that the day must come—alas! a most dreadful day for England—in which the Ministers would propose that dreadful measure which had been brought forward last night. The passage was in *Coriolanus*, and was an address to the Senate on the influence which the commonalty of the country was supposed to have:—

“——— Let deeds express
What’s like to be their words:—‘We did request it;

We are the greater poll, and in true fear,
They gave us our demands.’ Thus we debase
The nature of our seats, and make the rabble
Call our cares, fears: which will in time break ope
The locks o’ the Senate, and bring in the crows
To peck the eagles.”

When the great bard wrote this, his prophetic mind must have whispered him that such a Motion as this would be one day made. And now with respect to the time when it had been brought forward. Was the present a period of peace or tranquillity, at home or abroad, that the Government had thought proper to bring forward a measure like this, which, according to their own confession, threatened to disturb the tranquillity of the country? When they saw the dreadful influence which threats abroad had had in this country—when they saw the flame of discord spreading from the Southern counties to the East and to the West—when they saw the minds of men excited almost beyond precedent, this, of all others, was the moment when Government had chosen to bring forward such a measure—this was the moment at which they called on the House for a cool and dispassionate decision—that they called on Members not to be influenced by any party consideration or feeling. He contended that the minds of many Members at that moment must be greatly agitated, for they had too many interests at stake not to be so. He wished to ask the noble Lord one question about this Bill, which he trusted would soon be before the House, that they might examine all its details. On what principle did the

noble Lord assert that it was to restore the Constitution? The disfranchisement of an immense number of boroughs was to take place, and amongst others the borough which he had the honour to represent (Aldborough). He did not know that it was of any importance whether he represented 1000 or 100 persons, but he did know that Aldborough was now as large as ever it was. That borough, as it happened, was surrounded with walls; the walls, indeed, had crumbled away, but their site still remained; and as the place was as fully occupied now as it was formerly, it was evident that no alteration whatever in point of number could have taken place in the constituency of that place. It was the interests of that borough that he had been sent to support in Parliament, and almost the first vote that he was called upon to give, was one that would pronounce civil death to his constituents. But according to the noble Lord's statement, there were no less than 168 Gentlemen who were called upon to do the same thing. He, however, thought there were not 168 Gentlemen to be found anywhere who would be ready to vote their own damnation [*loud laughter.*] He knew that that was rather a strong phrase, but it was pretty near the truth for all that. They had, however, been told that they were to have a Reform in principle; and when, therefore, a popular Government—and, as some thought, a clever Government—had brought forward the measure, he should have thought that some principle would be proposed to extend to every part of the country. The question, therefore, which he wished to ask the noble Lord, if his measure was founded upon principle, was, why he had left two members for Tavistock? Why he had left two Members for Knaresborough? There were other places that might be mentioned, an hon. Member near him said Calne, but it was already admitted, that there was a deviation of principle, and that established the fact to which he wished to attract the attention of the House, namely, that it was a measure to protect Whig boroughs,—not give to the people a full and fair representation. This Bill, it appeared, was the joint labour of the whole family that now formed the Government, every member of which family was pledged to some particular hobby. They all had hobbies, and they had all shown how skilfully they could ride them. They rode them, per-

haps, in different ways, but at all events, with an equal share of briskness. The noble Lord (the Chancellor of the Exchequer) for his hobby had the Budget. He (Lord Stormont) believed, however, that that had been lent the noble Lord by a friend; and he, therefore, was not surprised that the noble Lord had met with a fall. The noble Lord's hobby, however, was not killed when it threw his Lordship; and he should never forget, when it had been brought in, two days after, how the noble Lord had laid it at their feet, and called on the Vice-president of the Board of Trade to make its funeral oration. This, then, was the unanimous Cabinet! This was the Cabinet that had so sweetly shown its harmony and unanimity on the Sugar Duties, when the Gentlemen on the back bench had been so doubtful which way they should have to vote, that they had been glad to make the excuse of going to dinner, for jumping up from their seats and quitting the House. When, therefore, he was called upon to vote blindfold, and to give up his opinion as a matter of course to the Ministers, he thought that he could not do better than look back at their previous conduct, to see if they deserved confidence. This measure, as it extended to Scotland, affected him most particularly; for though he possessed interests in England, he possessed still greater interests in Scotland. The great wish of the Government seemed to be, that the country should have a popular Representation. But when the Scotch Representation was added to that of England, it was in the same form in which it had originally existed. That form had never been intended to be a popular Representation [*hear, hear!*] Gentlemen might say, "hear, hear!" but his statement was correct. It had never been intended to be a popular Representation, but a Representation of the land and the owners of the land. The petitions that had come from Scotland had been, that a Member might be given to each county; but the noble Lord had contrived to jumble the counties together, and this was the way in which he pretended to listen to the petitions of the people. But many hon. Gentlemen must be aware of the manner in which those petitions had been got up; and many would support him when he averred, that he would engage to get up a greater number of petitions against no Parliament at all, than against a reformed Parliament. The fact was, that

the people of Scotland preferred peace to revolution; they wanted to have their ancient institutions preserved to them, and they wanted to be left alone. In short they preferred their own institutions, founded on practice, to any the noble Lord could offer them founded on theory. These were his sentiments; and it was with these sentiments that he called on all hon. Gentlemen to allow this Bill to go forth to the country. Let it be sent to them with its true bearings, and with the debates on this occasion. Let them have the arguments on that side of the House, and on the other side of the House; for what he wished was, that an impartial course should be taken. He was not one of those who were opposed to a measure of Reform, merely because it was a measure of Reform; but when he compared the noble Lord's present Motion with what had been brought forward year after year, he could not help thinking, that if he understood his plan rightly, Reform would be revolution, possession would be spoliation, and, sooner or later, religion would become atheism.

Sir *John Walsh* wished to give the noble Lord his tribute of praise for the manner in which he had brought forward his measure. The manner in which he had stated the plan was such as to put the House clearly in possession of all its details, and at once to submit its principle in its fullest scope to their observation. The measure, however, appeared to him not so much a Reform of the existing Parliament, as an entirely new formation of the Government of the country. He was aware of the talent possessed by the present Ministry; and it would not be impeaching their talents, when he said, that not even they would be able to estimate all the consequences that would follow upon the carrying of this measure—they could not estimate what would be the change to the whole government and state of the country in a very brief period. The first objection which struck him as to the measure was, that it contained an abortive attempt to set up two principles, both of which appeared to him to be erroneous. The first was that of reverting to the early period of our history—to a period when he could not think that, in fact, this country enjoyed any of those blessings which in the course of time its industry and independence had obtained. When the noble Lord referred to the reign of Edward 1st, and in the year 1831 wished

to copy the rules adopted by an arbitrary Monarch in a remote age, he could not conceive that those rules could be so modified as to suit the country as it at present existed. It was well known that in those periods the Commons were thought so little of in the State, as the interpreters of the will or the interests of the nation, that, in the first instance, it was supposed that that House was separate from the other, because the Peers disdained to hold communication with a body of men so inferior in station. The other principle, which he thought erroneous was that of rendering the Representation co-extensive with property; for property in itself was so vague a term, that, after all, they must resort to the question of expediency; and the only question was, whether the 10% qualification which was proposed, was as likely to give honest and independent electors as the present qualification. The noble Lord had referred to three grievances under which the people suffered from the present system of Representation. But he (Sir J. Walsh) was surprised, that as the noble Lord had paid so much attention to the wants of the middle orders, he had not perceived that all their petitions had stated another grievance, viz. that they had associated Retrenchment with Reform. These two appeared to them like the Siamese twins, not exactly the same, yet so closely united, that in the minds of the public it was difficult to disunite them. He could understand, that in the present situation of the Ministers they had not resorted so much to that argument as they might have done, for they probably felt, as Ministers, that the retrenchment which was supposed to be so practicable, would, if pushed to too great a length, be subversive of the interests of the country; and as the noble Lord, the Chancellor of the Exchequer, had stated in his place, that after the fullest investigation they could not reduce taxation, but only patronage, he could conceive that the Government must have felt great difficulty in this part of the question when, it found the people praying for these two things united. If the retrenchment demanded was unadvisable, in his opinion the Reform was so likewise, for either retrenchment should be co-existent with Reform, or, getting Reform, that retrenchment would follow which would sacrifice the best interests of the country. When the noble Lord brought

forward this Motion, he stated, that he was desirous of bringing forward a Motion so complete that it should satisfy the wants of the people. Now he (Sir J. Walsh) could not help thinking, that any Reform which did not produce the concomitant of retrenchment would not satisfy those expectations which the people had—or rather which they had been taught to indulge. For himself, he should have pursued a different mode of satisfying the people. He should have thought that he could best have satisfied the people, by satisfying, in the first place, themselves of the reason and justice of the measure proposed. He could not help thinking, that by giving way to the fluctuations of popular opinion, they were following something which they could never be able to overtake. There was in this country a great fund of good sterling sense—a great fund of good feeling and indulgence towards those who conscientiously performed their duties; and the people would not be displeased with any Member who conscientiously gave his vote on this occasion according to the dictates of his own feelings. Such was his opinion of the people, and of the best mode of satisfying them. Numbers had been talked of as influencing this question, but if that was to be taken into consideration, there was another body, most numerous, which, though unrepresented, had been committed to their charge—a body which had no voice, but the still small voice within Members' own breasts—he meant the descendants of the present people for whom they were bound to have the most careful consideration. This argument was, of course, referable to those hon. Gentlemen only who suffered themselves to be swayed by what they conceived to be the opinions out of doors; while, to those who really thought that Reform was necessary, these observations would not apply. Let them take the instance of a Jury who was sitting on the life of a man, with the supposition that there was a popular clamour without for his acquittal or condemnation. In such a case, the Jury would not be justified in listening to that popular clamour. He valued human life as much as any one could do; but, at the same time, he could not put the life of one man in competition with the fate and destiny of a whole country; and he therefore said that they were bound to decide on the inherent merits of this measure, without

listening to any clamour which was supposed to exist. As he had felt obliged thus far to make an attack upon the measure of the Government, he would take the liberty of defending them on one point. The noble Lord (Stormont) had accused the Ministry of holding out an intimidation of the dissolution of Parliament; and he certainly had heard the right hon. Baronet make use of that observation; but he did not think that it had been stated as a threat; for it appeared to him, that if the Ministers carried this measure, they would be bound to dissolve the Parliament in a very short time; so that, after all, this was only a sort of *plus* and *minus*; and either it was not intended as an intimidation, or, at all events, it was a mistaken intimidation; for hon. Gentlemen must feel, that in both cases this sword of Damocles was suspended over their heads.

Mr. Macauley. It is a circumstance, Sir, of happy augury for the measure before the House, that almost all those who have opposed it have declared themselves altogether hostile to the principle of Reform. Two Members, I think, have professed, that though they disapprove of the plan now submitted to us, they yet conceive some alteration of the Representative system to be advisable. Yet even those Gentlemen have used, as far as I have observed, no arguments which would not apply as strongly to the most moderate change, as to that which has been proposed by his Majesty's Government. I say, Sir, that I consider this as a circumstance of happy augury. For what I feared was, not the opposition of those who shrink from all Reform,—but the disunion of reformers. I knew, that during three months every reformer had been employed in conjecturing what the plan of the Government would be. I knew, that every reformer had imagined in his own mind a scheme differing doubtless in some points from that which my noble friend, the Paymaster of the Forces, has developed. I felt therefore great apprehension that one person would be dissatisfied with one part of the Bill, that another person would be dissatisfied with another part, and that thus our whole strength would be wasted in internal dissensions. That apprehension is now at an end. I have seen with delight the perfect concord which prevails among all who deserve the name of reformers in this House, and I trust that I may consider it as an omen of the concord which will pre-

vail among reformers throughout the country. I will not, Sir, at present express any opinion as to the details of the Bill; but having during the last twenty-four hours, given the most diligent consideration to its general principles, I have no hesitation in pronouncing it a wise, noble, and comprehensive measure, skilfully framed for the healing of great distempers, for the securing at once of the public liberties and of the public repose, and for the reconciling and knitting together of all the orders of the State. The hon. Baronet (Sir John Walsh) who has just sat down has told us, that the Ministers have attempted to unite two inconsistent principles in one abortive measure. He thinks, if I understand him rightly, that they ought either to leave the representative system such as it is, or to make it symmetrical. I think, Sir, that they would have acted unwisely if they had taken either of these courses. Their principle is plain, rational, and consistent. It is this,—to admit the middle class to a large and direct share in the Representation, without any violent shock to the institutions of our country [*hear!*] I understand those cheers—but surely the Gentlemen who utter them will allow, that the change made in our institutions by this measure is far less violent than that which, according to the hon. Baronet, ought to be made if we make any Reform at all. I praise the Ministers for not attempting, under existing circumstances, to make the Representation uniform—I praise them for not effacing the old distinction between the towns and the counties,—for not assigning Members to districts, according to the American practice, by the Rule of Three. They have done all that was necessary for the removing of a great practical evil, and no more than was necessary. I consider this, Sir, as a practical question. I rest my opinion on no general theory of government—I distrust all general theories of government. I will not positively say, that there is any form of polity which may not, under some conceivable circumstances, be the best possible. I believe that there are societies in which every man may safely be admitted to vote [*hear!*]. Gentlemen may cheer, but such is my opinion. I say, Sir, that there are countries in which the condition of the labouring classes is such that they may safely be intrusted with the right of electing Members of the Legislature. If the labourers of England were in

that state in which I, from my soul, wish to see them,—if employment were always plentiful, wages always high, food always cheap,—if a large family were considered not as an encumbrance, but as a blessing—the principal objections to Universal Suffrage would, I think, be removed. Universal Suffrage exists in the United States without producing any very frightful consequences; and I do not believe, that the people of those States, or of any part of the world, are in any good quality naturally superior to our own countrymen. But, unhappily, the lower orders in England, and in all old countries, are occasionally in a state of great distress. Some of the causes of this distress are, I fear, beyond the control of the Government. We know what effect distress produces, even on people more intelligent than the great body of the labouring classes can possibly be. We know that it makes even wise men irritable, unreasonable, and credulous—eager for immediate relief—heedless of remote consequences. There is no quackery in medicine, religion, or politics, which may not impose even on a powerful mind, when that mind has been disordered by pain or fear. It is therefore no reflection on the lower orders of Englishmen, who are not, and who cannot in the nature of things be highly educated, to say that distress produces on them its natural effects, those effects which it would produce on the Americans, or on any other people,—that it blunts their judgment, that it inflames their passions, that it makes them prone to believe those who flatter them, and to distrust those who would serve them. For the sake, therefore, of the whole society, for the sake of the labouring classes themselves, I hold it to be clearly expedient, that in a country like this, the right of suffrage should depend on a pecuniary qualification. Every argument, Sir, which would induce me to oppose Universal Suffrage, induces me to support the measure which is now before us. I oppose Universal Suffrage, because I think that it would produce a destructive revolution. I support this measure, because I am sure that it is our best security against a revolution. The noble Paymaster of the Forces hinted, delicately indeed and remotely, at this subject. He spoke of the danger of disappointing the expectations of the nation; and for this he was charged with

threatening the House. Sir, in the year 1817, the late Lord Londonderry proposed a suspension of the Habeas Corpus Act. On that occasion he told the House, that, unless the measures which he recommended were adopted, the public peace could not be preserved. Was he accused of threatening the House? Again, in the year 1819, he brought in the bills known by the name of the Six Acts. He then told the House, that, unless the executive power were reinforced, all the institutions of the country would be overturned by popular violence. Was he then accused of threatening the House? Will any Gentleman say, that it is parliamentary and decorous to urge the danger arising from popular discontent as an argument for severity; but that it is unparliamentary and indecorous to urge that same danger as an argument for conciliatory measures? I, Sir, do entertain great apprehension for the fate of my country. I do in my conscience believe, that unless this measure, or some similar measure, be speedily adopted, great and terrible calamities will befall us. Entertaining this opinion, I think myself bound to state it, not as a threat, but as a reason. I support this measure as a measure of Reform: but I support it still more as a measure of conservation. That we may exclude those whom it is necessary to exclude, we must admit those whom it may be safe to admit. At present we oppose the schemes of revolutionists with only one half, with only one quarter of our proper force. We say, and we say justly, that it is not by mere numbers, but by property and intelligence, that the nation ought to be governed. Yet, saying this, we exclude from all share in the government vast masses of property and intelligence,—vast numbers of those who are most interested in preserving tranquillity, and who know best how to preserve it. We do more. We drive over to the side of revolution those whom we shut out from power. Is this a time when the cause of law and order can spare one of its natural allies? My noble friend, the Paymaster of the Forces, happily described the effect which some parts of our representative system would produce on the mind of a foreigner, who had heard much of our freedom and greatness. If, Sir, I wished to make such a foreigner clearly understand what I consider as the great defects of our system, I would conduct him through that great city which lies to

the north of Great Russell-street and Oxford-street,—a city superior in size and in population to the capitals of many mighty kingdoms; and probably superior in opulence, intelligence, and general respectability, to any city in the world. I would conduct him through that interminable succession of streets and squares, all consisting of well-built and well-furnished houses. I would make him observe the brilliancy of the shops, and the crowd of well-appointed equipages. I would lead him round that magnificent circle of palaces which surrounds the Regent's-park. I would tell him, that the rental of this district was far greater than that of the whole kingdom of Scotland, at the time of the Union. And then I would tell him, that this was an unrepresented district! It is needless to give any more instances. It is needless to speak of Manchester, Birmingham, Leeds, Sheffield, with no representation; or of Edinburgh and Glasgow with a mock representation. If a property-tax were now imposed on the old principle, that no person who had less than 150*l.* a year should contribute, I should not be surprised to find, that one-half in number and value of the contributors had no votes at all; and it would, beyond all doubt, be found, that one-fiftieth part in number and value of the contributors had a larger share of the representation than the other forty-nine-fiftieths. This is not government by property. It is government by certain detached portions and fragments of property, selected from the rest, and preferred to the rest, on no rational principle whatever. To say that such a system is ancient is no defence. My hon. friend, the member for the University of Oxford (Sir R. Inglis) challenges us to show, that the Constitution was ever better than it is. Sir, we are legislators, not antiquaries. The question for us is, not whether the Constitution was better formerly, but whether we can make it better now. In fact, however, the system was not in ancient times by any means so absurd as it is in our age. One noble Lord (Lord Stormont) has to-night told us, that the town of Aldborough, which he represents, was not larger in the time of Edward 1st than it is at present. The line of its walls, he assures us, may still be traced. It is now built up to that line. He argues, therefore, that, as the founders of our representative institutions gave Members to Aldborough when it was

as small as it now is, those who would disfranchise it on account of its smallness have no right to say, that they are recurring to the original principle of our representative institutions. But does the noble Lord remember the change which has taken place in the country during the last five centuries? Does he remember how much England has grown in population, while Aldborough has been standing still? Does he consider, that in the time of Edward 1st this part of the island did not contain two millions of inhabitants? It now contains nearly fourteen millions. A hamlet of the present day would have been a place of some importance in the time of our early Parliaments. Aldborough may be absolutely as considerable a place as ever. But compared with the kingdom, it is much less considerable, by the noble Lord's own showing, than when it first elected burgesses. My hon. friend, the member for the University of Oxford, has collected numerous instances of the tyranny which the kings and nobles anciently exercised, both over this House, and over the electors. It is not strange, that, in times when nothing was held sacred, the rights of the people, and of the Representatives of the people, should not have been held sacred. The proceedings which my hon. friend has mentioned, no more prove, that, by the ancient constitution of the realm, this House ought to be a tool of the king and of the aristocracy, than the Benevolences and the Ship-money prove their own legality; or than those unjustifiable arrests, which took place long after the ratification of the great Charter, and even after the Petition of Right, prove that the subject was not anciently entitled to his personal liberty. We talk of the wisdom of our ancestors—and in one respect at least they were wiser than we. They legislated for their own times. They looked at the England which was before them. They did not think it necessary to give twice as many Members to York as they gave to London, because York had been the capital of Britain in the time of Constantius Chlorus; and they would have been amazed indeed if they had foreseen, that a city of more than a hundred thousand inhabitants would be left without Representatives in the nineteenth century, merely because it stood on ground which, in the thirteenth century, had been occupied by a few huts. They framed a representative system, which was

not indeed without defects and irregularities, but which was well adapted to the state of England in their time. But a great revolution took place. The character of the old corporations changed. New forms of property came into existence. New portions of society rose into importance. There were in our rural districts rich cultivators, who were not freeholders. There were in our capital rich traders, who were not liverymen. Towns shrank into villages. Villages swelled into cities larger than the London of the Plantagenets. Unhappily, while the natural growth of society went on, the artificial polity continued unchanged. The ancient form of the representation remained; and precisely because the form remained, the spirit departed. Then came that pressure almost to bursting—the new wine in the old bottles—the new people under the old institutions. It is now time for us to pay a decent, a rational, a manly reverence to our ancestors—not by superstitiously adhering to what they, under other circumstances, did, but by doing what they, in our circumstances, would have done. All history is full of revolutions, produced by causes similar to those which are now operating in England. A portion of the community which had been of no account, expands and becomes strong. It demands a place in the system, suited, not to its former weakness, but to its present power. If this is granted, all is well. If this is refused, then comes the struggle between the young energy of one class, and the ancient privileges of another. Such was the struggle between the Plebeians and the Patricians of Rome. Such was the struggle of the Italian allies for admission to the full rights of Roman citizens. Such was the struggle of our North American colonies against the mother country. Such was the struggle which the *Tiers Etat* of France maintained against the aristocracy of birth. Such was the struggle which the Catholics of Ireland maintained against the aristocracy of creed. Such is the struggle which the free people of colour in Jamaica are now maintaining against the aristocracy of skin. Such, finally, is the struggle which the middle classes in England are maintaining against an aristocracy of mere locality—against an aristocracy, the principle of which is to invest 100 drunken pot-wallopers in one place, or the owner of a ruined hovel in another, with powers

which are withheld from cities renowned to the furthest ends of the earth, for the marvels of their wealth and of their industry. But these great cities, says my hon. friend, the member for Oxford, are virtually, though not directly represented. Are not the wishes of Manchester, he asks, as much consulted as those of any town which sends Members to Parliament? Now, Sir, I do not understand how a power which is salutary when exercised virtually, can be noxious when exercised directly. If the wishes of Manchester have as much weight with us, as they would have under a system which should give Representatives to Manchester, how can there be any danger in giving Representatives to Manchester? A virtual Representative is, I presume, a man who acts as a direct Representative would act: for surely it would be absurd to say, that a man virtually represents the people of property in Manchester, who is in the habit of saying No, when a man directly representing the people of property in Manchester would say Aye. The utmost that can be expected from virtual Representation is, that it may be as good as direct Representation. If so, why not grant direct Representation to places which, as every body allows, ought, by some process or other, to be represented? If it be said, that there is an evil in change as change, I answer, that there is also an evil in discontent as discontent. This, indeed, is the strongest part of our case. It is said that the system works well. I deny it. I deny that a system works well, which the people regard with aversion. We may say here, that it is a good system and a perfect system. But if any man were to say so to any 658 respectable farmers or shopkeepers, chosen by lot in any part of England, he would be hooted down, and laughed to scorn. Are these the feelings with which any part of the Government ought to be regarded? Above all, are these the feelings with which the popular branch of the Legislature ought to be regarded? It is almost as essential to the utility of a House of Commons, that it should possess the confidence of the people, as that it should deserve that confidence. Unfortunately, that which is in theory the popular part of our Government, is in practice the unpopular part. Who wishes to dethrone the King? Who wishes to turn the Lords out of their House? Here and there a crazy radical,

whom the boys in the street point at as he walks along. Who wishes to alter the constitution of this House? The whole people. It is natural that it should be so. The House of Commons is, in the language of Mr. Burke, a check for the people—not on the people, but for the people. While that check is efficient, there is no reason to fear that the King or the nobles will oppress the people. But if that check requires checking, how is it to be checked? If the salt shall lose its savour, wherewith shall we season it? The distrust with which the nation regards this House may be unjust. But what then? Can you remove that distrust? That it exists cannot be denied. That it is an evil cannot be denied. That it is an increasing evil cannot be denied. One Gentleman tells us that it has been produced by the late events in France and Belgium; another, that it is the effect of seditious works which have lately been published. If this feeling be of origin so recent, I have read history to little purpose. Sir, this alarming discontent is not the growth of a day or of a year. If there be any symptoms by which it is possible to distinguish the chronic diseases of the body politic from its passing inflammations, all these symptoms exist in the present case. The taint has been gradually becoming more extensive and more malignant, through the whole life-time of two generations. We have tried anodynes. We have tried cruel operations. What are we to try now? Who flatters himself that he can turn this feeling back? Does there remain any argument which escaped the comprehensive intellect of Mr. Burke, or the subtlety of Mr. Wyndham? Does there remain any species of coercion which was not tried by Mr. Pitt and by Lord Londonderry? We have had laws. We have had blood. New treasons have been created. The Press has been shackled. The Habeas Corpus Act has been suspended. Public meetings have been prohibited. The event has proved that these expedients were mere palliatives. You are at the end of your palliatives. The evil remains. It is more formidable than ever. What is to be done? Under such circumstances, a great measure of reconciliation, prepared by the Ministers of the Crown, has been brought before us in a manner which gives additional lustre to a noble name, inseparably associated during two centuries with the dearest

liberties of the English people. I will not say, that the measure is in all its details precisely such as I might wish it to be; but it is founded on a great and a sound principle. It takes away a vast power from a few. It distributes that power through the great mass of the middle order. Every man, therefore, who thinks as I think, is bound to stand firmly by Ministers, who are resolved to stand or fall with this measure. Were I one of them, I would sooner—ininitely sooner—fall with such a measure than stand by any other means that ever supported a Cabinet. My hon. friend, the member for the University of Oxford tells us, that if we pass this law, England will soon be a republic. The reformed House of Commons will, according to him, before it has sat ten years, depose the King, and expel the Lords from their House. Sir, if my hon. friend could prove this, he would have succeeded in bringing an argument for democracy, infinitely stronger than any that is to be found in the works of Paine. His proposition is in fact this—that our monarchical and aristocratical institutions have no hold on the public mind of England; that those institutions are regarded with aversion by a decided majority of the middle class. This, Sir, I say, is plainly deducible from his proposition; for he tells us, that the Representatives of the middle class will inevitably abolish royalty and nobility within ten years: and there is surely no reason to think that the Representatives of the middle class will be more inclined to a democratic revolution than their constituents. Now, Sir, if I were convinced that the great body of the middle class in England look with aversion on monarchy and aristocracy, I should be forced, much against my will, to come to this conclusion, that monarchical and aristocratical institutions are unsuited to this country. Monarchy and aristocracy, valuable and useful as I think them, are still valuable and useful as means, and not as ends. The end of government is the happiness of the people: and I do not conceive that, in a country like this, the happiness of the people can be promoted by a form of government, in which the middle classes place no confidence, and which exists only because the middle classes have no organ by which to make their sentiments known. But, Sir, I am fully convinced that the middle classes sincerely wish to uphold the Royal prerogatives, and the constitu-

tional rights of the Peers. What facts does my hon. friend produce in support of his opinion? One fact only—and that a fact which has absolutely nothing to do with the question. The effect of this Reform, he tells us, would be, to make the House of Commons all-powerful. It was all-powerful once before, in the beginning of 1649. Then it cut off the head of the King, and abolished the House of Peers. Therefore, if this Reform should take place, it will act in the same manner. Now, Sir, it was not the House of Commons that cut off the head of Charles the 1st; nor was the House of Commons then all-powerful. It had been greatly reduced in numbers by successive expulsions. It was under the absolute dominion of the army. A majority of the House was willing to take the terms offered by the King. The soldiers turned out the majority; and the minority—not a sixth part of the whole House—passed those votes of which my hon. friend speaks—votes of which the middle classes disapproved then, and of which they disapprove still. My hon. friend, and almost all the Gentlemen who have taken the same side with him in this Debate, have dwelt much on the utility of close and rotten boroughs. It is by means of such boroughs, they tell us, that the ablest men have been introduced into Parliament. It is true that many distinguished persons have represented places of this description. But, Sir, we must judge of a form of government by its general tendency, not by happy accidents. Every form of government has its happy accidents. Despotism has its happy accidents. Yet we are not disposed to abolish all constitutional checks, to place an absolute master over us, and to take our chance whether he may be a Caligula or a Marcus Aurelius. In whatever way the House of Commons may be chosen, some able men will be chosen in that way who would not be chosen in any other way. If there were a law that the hundred tallest men in England should be Members in Parliament, there would probably be some able men among those who would come into the House by virtue of this law. If the hundred persons whose names stand first in the alphabetical list of the Court Guide were made Members of Parliament, there would probably be able men among them. We read in ancient history, that a very able king was elected by the neighing of his horse. But we shall

scarcely, I think, adopt this mode of election. In one of the most celebrated republics of antiquity—Athens—the Senators and Magistrates were chosen by lot; and sometimes the lot fell fortunately. Once, for example, Socrates was in office. A cruel and unjust measure was brought forward. Socrates resisted it at the hazard of his own life. There is no event in Grecian history more interesting than that memorable resistance. Yet who would have offices assigned by lot, because the accident of the lot may have given to a great and good man a power which he would probably never have attained in any other way? We must judge, as I said, by the general tendency of a system. No person can doubt that a House of Commons chosen freely by the middle classes will contain many very able men. I do not say, that precisely the same able men who would find their way into the present House of Commons, will find their way into the reformed House—but that is not the question. No particular man is necessary to the State. We may depend on it, that if we provide the country with free institutions, those institutions will provide it with great men. There is another objection, which, I think, was first raised by the hon. and learned member for Newport (Mr. H. Twiss). He tells us that the elective franchise is property—that to take it away from a man who has not been judicially convicted of any malpractices is robbery—that no crime is proved against the voters in the close boroughs—that no crime is even imputed to them in the preamble of the Bill—and that to disfranchise them without compensation, would therefore be an act of revolutionary tyranny. The hon. and learned Gentleman has compared the conduct of the present Ministers to that of those odious tools of power, who, towards the close of the reign of Charles the 2nd, seized the charters of the Whig Corporations. Now there was another precedent, which I wonder that he did not recollect, both because it was much more nearly in point than that to which he referred, and because my noble friend, the Paymaster of the Forces, had previously alluded to it. If the elective franchise is property—if to disfranchise voters without a crime proved, or a compensation given, be robbery—was there ever such an act of robbery as the disfranchising of the Irish forty-shilling freeholders? Was any pecuniary com-

pensation given to them? Is it declared in the preamble of the bill which took away their votes, that they had been convicted of any offence? Was any judicial inquiry instituted into their conduct? Were they even accused of any crime? Or say, that it was a crime in the electors of Clare to vote for the hon. and learned Gentleman who now represents the county of Waterford—was a Protestant forty-shilling freeholder in Louth, to be punished for the crime of a Catholic forty-shilling freeholder in Clare? If the principle of the hon. and learned member for Newport be sound, the franchise of the Irish peasant was property. That franchise, the Ministry under which the hon. and learned Member held office, did not scruple to take away. Will he accuse the late Ministers of robbery? If not, how can he bring such an accusation against their successors? Every Gentleman, I think, who has spoken from the other side of the House has alluded to the opinions which some of his Majesty's Ministers formerly entertained on the subject of Reform. It would be officious in me, Sir, to undertake the defence of Gentlemen who are so well able to defend themselves. I will only say, that, in my opinion, the country will not think worse either of their talents or of their patriotism, because they have shown that they can profit by experience, because they have learned to see the folly of delaying inevitable changes. There are others who ought to have learned the same lesson. I say, Sir, that there are those who, I should have thought, must have had enough to last them all their lives of that humiliation which follows obstinate and boastful resistance to measures rendered necessary by the progress of society, and by the development of the human mind. Is it possible that those persons can wish again to occupy a position, which can neither be defended, nor surrendered with honour. I well remember, Sir, a certain evening in the month of May, 1827. I had not then the honour of a seat in this House; but I was an attentive observer of its proceedings. The right hon. Baronet opposite, (Sir R. Peel) of whom personally I desire to speak with that high respect which I feel for his talents and his character, but of whose public conduct I must speak with the sincerity required by my public duty, was then, as he is now, out of office. He had just resigned the Seals of the Home De-

partment, because he conceived that the Administration of Mr. Canning was favourable to the Catholic claims. He rose to ask whether it was the intention of the new Cabinet to repeal the Test and Corporation Acts, and to Reform the Parliament. He bound up, I well remember, those two questions together; and he declared, that if the Ministers should either attempt to repeal the Test and Corporation Acts, or bring forward a measure of Parliamentary Reform, he should think it his duty to oppose them to the utmost. Since that declaration was made nearly four years have elapsed; and what is now the state of the three questions which then chiefly agitated the minds of men? What is become of the Test and Corporation Acts? They are repealed. By whom? By the late Administration. What has become of the Catholic disabilities? They are removed. By whom? By the late Administration. The question of Parliamentary Reform is still behind. But signs, of which it is impossible to misconceive the import, do most clearly indicate, that, unless that question also be speedily settled, property and order, and all the institutions of this great monarchy, will be exposed to fearful peril. Is it possible, that Gentlemen long versed in high political affairs cannot read these signs? Is it possible that they can really believe that the Representative system of England, such as it now is, will last till the year 1860? If not, for what would they have us wait? Would they have us wait merely that we may show to all the world how little we have profited by our own recent experience? Would they have us wait, that we may once again hit the exact point where we can neither refuse with authority, nor concede with grace? Would they have us wait, that the numbers of the discontented party may become larger, its demands higher, its feeling more acrimonious, its organization more complete? Would they have us wait till the whole tragi-comedy of 1827 has been acted over again; till they have been brought into office by a cry of "No Reform!" to be reformers, as they were once before brought into office by a cry of "No Popery!" to be emancipators? Have they obliterated from their minds—gladly perhaps would some among them obliterate from their minds—the transactions of that year? And have they forgotten all the transactions of the succeeding year? Have they

forgotten how the spirit of liberty in Ireland, debarred from its natural outlet, found a vent by forbidden passages? Have they forgotten how we were forced to indulge the Catholics in all the license of rebels, merely because we chose to withhold from them the liberties of subjects? Do they wait for associations more formidable than that of the Corn Exchange,—for contributions larger than the Rent,—for agitators more violent than those who, three years ago, divided with the King and the Parliament, the sovereignty of Ireland? Do they wait for that last and most dreadful paroxysm of popular rage,—for that last and most cruel test of military fidelity? Let them wait, if their past experience shall induce them to think that any high honour or any exquisite pleasure is to be obtained by a policy like this. Let them wait, if this strange and fearful infatuation be indeed upon them,—that they should not see with their eyes, or hear with their ears, or understand with their heart. But let us know our interest and our duty better. Turn where we may,—within,—around,—the voice of great events is proclaiming to us, Reform, that you may preserve. Now, therefore, while every thing at home and abroad forebodes ruin to those who persist in a hopeless struggle against the spirit of the age,—now, while the crash of the proudest throne of the continent is still resounding in our ears,—now, while the roof of a British palace affords an ignominious shelter to the exiled heir of forty kings,—now, while we see on every side ancient institutions subverted, and great societies dissolved,—now, while the heart of England is still sound,—now, while the old feelings and the old associations retain a power and a charm which may too soon pass away,—now, in this your accepted time,—now in this your day of salvation,—take counsel, not of prejudice,—not of party spirit,—not of the ignominious pride of a fatal consistency,—but of history,—of reason,—of the ages which are past,—of the signs of this most portentous time. Pronounce in a manner worthy of the expectation with which this great Debate has been anticipated, and of the long remembrance which it will leave behind. Renew the youth of the State. Save property divided against itself. Save the multitude, endangered by their own ungovernable passions. Save the aristocracy, endangered by its own unpopular

power. Save the greatest, and fairest, and most highly civilized community that ever existed, from calamities which may in a few days sweep away all the rich heritage of so many ages of wisdom and glory. The danger is terrible. The time is short. If this Bill should be rejected, I pray to God that none of those who concur in rejecting it may ever remember their votes with unavailing regret, amidst the wreck of laws, the confusion of ranks, the spoliation of property, and the dissolution of social order.

Viscount *Mahon* said, that the hon. member for Calne had applied himself to so many branches of the subject, he had considered it in so many different lights and bearings, that he hardly knew to which of his observations he ought first to reply. He would first advert to some of the remarks with which he had concluded, particularly the charge of inconsistency brought by him, and by the noble Lord, (J. Russell) against his side of the House, for opposing the disfranchisement of boroughs, after conceding the disfranchisement of the forty-shilling freeholders in Ireland. He had heard that remark—or rather taunt—with astonishment, not only from its inapplicability and injustice, but also from the rashness which could induce that side of the House to charge any other persons with inconsistency. The House could not already have forgotten—that mass of blunders, the Budget, which left his Majesty's Ministers no other choice than immediate concession or certain defeat, which obliged them to discard those very measures they had so lately brought forward, and which made them come down to the House, after only two days, and, like Frankenstein, shrink back in horror from the monster of their own creation. But, without leaving the limits of the particular subject before the House, were there no inconsistencies connected with it, which should make the hon. Member a little cautious in imputing inconsistency to others? Have not a very great number of those who now advocate the cause of Parliamentary Reform, firmly and decidedly withstood it, during the whole of their previous lives? Did not the noble Mover himself, who made the proposal to diminish its numbers by sixty, only last year bring down another proposal for increasing them by six? The noble Lord would excuse his opposition, for it was founded on his own arguments.

He approved of the plan for extending the elective franchise to Leeds, Birmingham, and Manchester—it was legal and constitutional, founded on expediency, and upheld by precedent; it bore no affinity whatever to the measure now before the House, which had been justly characterized as revolutionary, and destructive to all our ancient institutions. He was happy to bear his humble tribute of admiration to the eloquence and talent with which the hon. member for Calne had addressed the House; finding in him another proof of the utility and advantage of the reviled close boroughs. By what other means could young men of talent and promise, having (as perhaps might be his case, and he meant anything but offence or personal reflection on the hon. Gentleman) no very extensive landed possessions, no influence in any large commercial or manufacturing town, obtain seats in that House? and would it not be a great misfortune were the country to forego their services? By what other means could any Government whatever, be carried on? He could find an example of the injury which would attend the Government from the want of such a system, in the case of the right hon. member for Windsor (Mr. Stanley). For that right hon. Member he felt the highest respect, it would be a great loss were he not a Member of this House, and in what situation would his Majesty's Government be placed, if their confidential minister for Ireland, in the present crisis of that country, had no seat in the House of Commons, and had not when rejected by the potwallopers of Preston, been accepted by the royal burgesses of Windsor? To the measure of granting the elective franchise to some great commercial towns, he was warmly a friend; but of the present measure he was as warmly an opponent. If that imaginary traveller first conjured up by the noble Mover, and again brought upon the stage by the hon. member for Calne, were, as that hon. Member supposed, to come to London, he would bring him within the walls of the House, and shew him a great measure supported not only on different, but entirely on opposite grounds. He would make him observe, that while the hon. member for Calne asserted, that this measure was intended to benefit the middle classes, the hon. member for Middlesex said, that he supported it, because it would benefit the upper and the lower,

that one man supported it because he hoped it might be final,—another because he hoped it might be only a first step to “some future Reform;” that one supported it because he considered our present laws and institutions good, and another because he thought them bad—the one to preserve, and the other to subvert them. He would make that stranger observe, above all, the intimidation and the threats with which the measure was sought to be forced forward. The words “revolution” and “massacre,” for instance, were used by the hon. member for Calne, though he said, that he meant no threat. The House was told, that if it did not pass the Bill, there would be a dissolution—and this was no threat; it was told that there would be a massacre—and this, forsooth, was no threat. The House was told it must vote for this measure if it wished to avoid a revolution. Why the measure itself was a revolution. It would produce the downfall of all our ancient institutions. To what then did the argument *ad terrorem* really amount? In order to prevent a change, the House must make a change; and must rush into the danger to escape the apprehension; when he heard that it was necessary to adopt this measure in order to preserve our ancient Constitution, he was reminded of Sir Boyle Roach, who, in some debate in the Irish House of Commons, declared, that it was sometimes necessary to sacrifice a part of the Constitution, or even the whole of it, on purpose to preserve the remainder! So, the hon. member for Calne called upon the House to sacrifice the whole Constitution, on purpose to preserve it. He had not risen from any personal interest in the question—neither he nor his family had the slightest parliamentary influence to defend. Neither had he done so from any party feeling—he entered the House without being pledged or connected with any party whatever. He had not done so either from personal vanity, for in a question so overwhelming as this, any new and untried Member must, of course, be eclipsed by the high talents and mature experience that would be brought into the discussion. But he had done so from a strong, an imperious, and a conscientious sense of duty, being convinced that our whole Constitution would speedily sink under such a rash course of empirical experiment. When he was told of public feeling, he was ready to admit, that it was very strong;

but he was as firmly convinced that it was only temporary, founded on misrepresentation, falsehood, and delusion; and in opposition to the hon. member for Calne, who called it “deep-rooted,” and “of ancient standing,” or some such phrase,—he asserted, that with the greater part of the community it was of very recent growth. On this point he would quote the authority of the hon. member for Stockbridge, (Mr. Wilbraham) whom he did not see in his place, and whom he was the more disposed to name from the independence and integrity of his long parliamentary career. That hon. Member speaking on the East Retford case, in May, 1829, observed, that he had throughout life been an advocate of what he called “that ill-omened, and now almost forgotten cause of Parliamentary Reform.” He could bring forward other proofs of the same kind, but he would leave them to the distinguished speakers whom the House was anxious to hear. He would only say, that unbiassed by personal interest or party attachment, and looking only to the good of the country, he felt himself bound to condemn this measure, and in every stage of its progress should give it his feeble, but earnest opposition.

Mr. Hunt addressed the House at that early period because he was not very well, and did not anticipate that he should hear anything very instructive or new from the eloquent speeches of other hon. Members, on a subject to which he had devoted his life. He had listened attentively to everything which had fallen from both sides, and must say, that the plan of the noble Lord had gone far beyond his anticipations. He believed he had been personally alluded to, as having taken a prominent part in this subject, and hoped therefore that he should not be considered presumptuous in delivering his sentiments on that occasion. He meant to do so unequivocally, because his voice was the voice of millions. The noble Lord had described his measure as coming between those who resisted all Reform, and those who wanted too wide and sweeping a Reform; and he hoped the noble Lord would not, to use an old adage, between these two stools fall to the ground. The noble Lord who spoke from that side of the House (Lord Stormont) said, there ought to be no Reform; and as that noble Lord's sentiments were cheered by those on that side of the House, he should adopt

the sentiments of the noble Lord as the sentiments of the opponents of the measure. In like manner he would assume, that the hon. member for Calne's speech expressed the sentiments of those who sat on the Ministerial side of the House. And he must say, that he was extremely sorry to hear that hon. and learned Member assert, in his eloquent speech, that we ought to give Representatives to the middle classes, to prevent the lower classes from having Representatives. He regretted to hear that sentiment, because it was by no means calculated to conciliate the lower classes, and reconcile them to the measure of the noble Lord. When the hon. and learned member for Calne (Mr. Macauley) talked of the rabble as opposed to what he was pleased to call the middle classes, did he mean to admit, that, in taking away from that rabble the right of choosing Representatives, he was also willing to exempt them from the payment of the taxes—from serving in the Militia, or from being called on to fight the battles of their country. Every man in the kingdom knew his opinions on these matters. He had always advocated, both outside of the walls of that House and within them, the principle of an equality of political rights. He had always contended, and would still continue to contend, that every man who paid taxes to the State was entitled to a vote in the choice of his Representatives, and that taxation and Representation should go hand in hand. Was he, then, to be told by the hon. member for Calne, that those who fought in the army and the navy of their country—who paid the greatest portion of the taxes—who were called on to contribute to the support of the Government, by taxes levied on almost every article of human subsistence—was he to be told by the hon. member for Calne, that those persons were unfit to choose their Representatives, and that the plan then before the House gave an extension of suffrage to the middle classes, in order to prevent the lower classes from obtaining their rights? This was the declaration of the hon. Member, this was the principle of the measure before the House; and he spoke the sentiments of millions, when he declared that it would give no satisfaction to those who were justly entitled to the exercise of their constitutional privileges. It had been said, that the plan now before the House was not Reform, but revolu-

tion. He, too, would admit it to be revolution when it was proved to him that the rotten boroughs were a portion of the Constitution. Now, when the hon. member for Calne was talking so much of the rabble, he looked very hard at him [*loud laughter.*] He understood that laugh. He was sorry the hon. member for Calne had not remained in his place, that he (Mr. Hunt) might look now in the same way at him. [Mr. Macauley here resumed his seat.] Well, he saw the hon. Member now, and he asked him again if he was prepared to exempt all those from the payment of the taxes, and from public service, who did not possess a vote for a Representative? He asked the hon. Member if he was prepared to do this, and he asked, at the same time, if he knew from what class of men those votes were taken? Did he know, or did the noble Lord who brought forward this measure know, who were the voters of Ilchester, of Ludgershall, and of some of the boroughs of Cornwall? He knew what class of men the voters for Ilchester were—a place where he had been confined two years and a half [*great laughter.*] That laugh he understood again, but he repeated, he knew the electors of Ilchester, and that they frequently ran up a score of from 30*l.* to 35*l.* between one election and another, depending solely on the candidates to defray the bill when they came to solicit their votes. Many of them, indeed almost the whole of them, could neither read nor write, and yet it was to them, not to those who really possessed property, that the noble Lord continued the right to vote. It had always been his opinion, that that House should really be what it pretended to be, the representation of the Commons of England—and far be it from him to say, because the people of Ilchester were poor, that they were unfit to possess the right of returning Representatives. He had always contended for the admission of the whole of the tax-payers to that right, and he would continue to do so, in spite of all the laughs which might be raised against the claims of the rabble. He had for years attended public meetings. Aye, public meetings, composed of men a great deal more intelligent and better educated than the inhabitants of that most degraded and rottenest of all rotten boroughs, the borough of Calne. How the noble Paymaster of the Forces could have passed

over that rottenest, stinkiest, skulkingest of boroughs, he could not understand. He could not tell how the noble Lord had exempted it from that general destruction which he had so properly dealt out to the others. They had been told, that if the measure now before them was not carried, its rejection would lead to revolution and massacre. What sort of massacre? When he attended a meeting at Manchester, in the year 1819—when he attended that meeting—a meeting as peaceable and as orderly as that now assembled in the House of Commons, and met, too, for as peaceable and constitutional an object—the attainment of constitutional Reform; when that meeting took place, there was a real massacre. A drunken and infuriated yeomanry [*loud cries of "no, no!" and "Question!"*—a drunken and infuriated yeomanry, with swords newly sharpened, [*reiterated cries of "No!" and "Question!"*—with swords newly sharpened, slaughtered fourteen, and maimed and wounded 648 [*shouts of "No!" and "Question!"*]. Where is the man who will step forward and say "No." I say again (said the hon. Member, in a tone of voice louder and louder still, which was almost drowned by still more vehement cries of "No!" and "Order!"), that on that day a drunken and infuriated yeomanry murdered fourteen, and badly cut and maimed 648 of as peaceable and well-disposed persons as any he saw around him. And what were these people thus treated, doing? Why they were doing that which the Government in that House were doing now—advocating the propriety of Parliamentary Reform. He was astonished, indeed, to hear the noble Paymaster of the Forces contend that the House of Commons had not hitherto taken up the question of Reform as it did now, because the people had not come forward as they now did, so as to compel the House to listen to them. Now, how could this be? In the years, 1816, 1817, 1818 and 1819, the cause of Reform was pressed on the attention of Parliament with as much ardour as at the present moment; with this difference, that the petitions of the people were then much more respectfully worded than now. He did not accuse the noble Lord of a desire to effect anything through intimidation, any more than he believed that there was a desire to effect their measures by force on the part of the people; nor did he condemn the Ministers for not having

gone the whole of the length he wished. As far as the present measure went it had his support; and even if the Government had determined to disfranchise but one of those boroughs, they should have had his support; but he confessed, he regretted much the tendency of some of the observations of the member for Calne, which went to create a division on the subject of the advantages of Reform of this kind out of doors, and to raise the belief that it was intended to collect the higher and the middle classes in array against the lower. The tendency of such arguments was, that because the working classes were poor, and because they were suffering, they were to be deprived of their rights; and, he feared, that when they heard the nature of the measure proposed, and the arguments by which some persons supported it, they would not view it with much gratification. He did not wish the rabble, as the hon. Member called them to have votes; but he did wish that those who paid a rent of from 3*l.* a year up to 10*l.*, the men who were the sinews and nerves of the country, should not be excluded. The Ministers said, however, they must draw a line; and this was the consequence of a deviation from principle, that the moment they abandoned principle, they became involved in difficulties. He would illustrate the point by a legal case, and he appealed to the lawyers to correct him if he was in error. Supposing a man brought up to the bar, to be heard for an offence against the laws, and he replies, "I did not know the law, I was ignorant that I had violated any law." Would that be taken as a sufficient answer? No. They would say to him, "You are bound to know the law, because you are a party to the making of all laws, by yourself, or through your Representative, and we cannot admit your defence." And yet, with this fact before them, they denied to those who were bound by the laws a vote for the Representative who made them. He considered the question now before the House to be one of the greatest importance which had ever come under their discussion, and that it involved their fate, and the fate of the country, more intimately than any event since the days when Cromwell ordered the mace to be taken from their Table, and carried away the keys of the House in his pocket. He would tell the noble Lord, that for advo-

cating the question now introduced by him, he had been confined for two years and a half in a loathsome dungeon. Hon. Members had, in the course of the debate, been permitted to go back to the period of Edward the 3rd, and he thought he might be permitted, for his argument, to refer to events which happened not more than ten years ago! He repeated, then, that he had been confined in a dungeon for advocating this very same Reform; and he certainly never expected then to see that House yield to the force of the saying of Lord Chatham, "that if Reform did not come from within doors, it would come from without with a vengeance." The hon. member for Calne had observed, with truth, that there was no desire to attack the rights of the Throne. A good deal had been said about the greasy radicals who went walking about the streets of London. He was as thorough a radical as any in existence; but where was the man who could say that he had ever said a word against the rights of the Throne? He had, as it was his duty to do, protested against the profligate extravagance of members of the Royal Family. He would not object to the passing of a Civil List, but he did object to the profligacy of that family which had brought the institutions of the country into disrepute, and which had encouraged the demoralization of that House. To the situation to which that House and the country was then brought, the Royal Family, he contended, had mainly contributed. He hoped, however, that the measure before the House would be carried, if it was only because it gave the country an increase of 500,000 electors; although he would tell the hon. member for Calne, that ten times the number of good and honest voters would still be excluded. He trusted that when the hon. Member had occasion to speak on the subject again, he would remember this, and deliver himself with a different temper and tone when he had occasion to mention the state of the people. He was told that 10*l.* was the proper qualification, but he thought that the best vote was that which came from the industrious artificer or manufacturer, who earned from 30*s.* to 3*l.* a week, and he was determined in the course of these discussions, to take an opportunity of submitting a proposition on that subject to the consideration of the House. He repeated, that all who paid

taxes should have a vote, and he knew the feeling to be so strong in the Metropolis, that a number of persons who had no vote returned that circumstance as a ground of exemption on their militia paper. He repeated, they considered themselves exempted, and demanded exemption, because they had no share in the choice of Representatives. In the north, he could tell them, that many of the young men were determined to rot in gaol rather than serve in the militia, unless they obtained this privilege ["*no, no.*"] He said yes; and he would go further. He would tell them, that were he in their situation he would do the same. If they deprived him of his right of speaking in that House, he would naturally take another course. The law says, that if a man drawn to serve in the militia refuses to do so, he is to be committed to prison; and he, for one, thought that they were right, under such circumstances, to take the consequences of a refusal. He knew what it was to be in gaol; he had been confined two years and a half, and he knew that persecution never made converts. Although he looked with respect on the right hon. Baronet near him (Sir R. Peel), and venerated his high talents, he remembered the time when he was in his custody; but, bating the high talent the right hon. Baronet possesses, he, as member for the borough of Preston, stood now quite as high as the right hon. Baronet did, and considered himself fully his equal. He knew no way in which his constituents were touched by this measure; but if they were, and a great constitutional object was about to be achieved, he should be willing to make the sacrifice. He begged it, however, to be remembered, that he considered the borough of Preston as good as any other in the kingdom. Was it because they possessed Universal Suffrage, or something like it, that it could be said they chose improper men to represent them? Certainly not. They had had for their Representatives, at different periods, members of some of the highest families in the kingdom; and the exercise of their privileges had never been found fault with. He, it was true, had not much property. The late Government had taken care that he should not become rich; for it had placed him in gaol. But did he seek the suffrages of the people of Preston? After the massacre of Manchester, he had been invited to stand for that borough, then under the in-

fluence of the great manufacturers, and although the good will was as great as it had been since, he was defeated, and 400 families were afterwards, in the year 1820, expelled from their homes in consequence of voting for him [*Loud cries of "Question"*]. The noble Lord, the member for Devonshire (Lord Ebrington), had been permitted to say how he got into Parliament for that county, and he hoped the same indulgence would be granted, without claiming any thing on his own account, for the ancient borough of Preston. During the last election he was proposed, without any canvass or solicitation on his part, and in three days he polled 3020 votes. The people of Preston did this, not from any hostility to the right hon. Gentleman, the member for Windsor (Mr. Stanley)—not from any dislike to his family, but he would tell the House why they did it. They had read in the Act of Settlement, that no placeman or pensioner was entitled to hold a seat in that House, and so they refused to vote for Mr. Stanley, and chose him. He hoped that this measure would be carried, and that there would be no re-action, although he really might ask, how the great mass of the people could be called on to come forward and solicit that House to support a Reform, from the benefits of which they were to be excluded, and which was intended for those above them? He would say, that if this measure was to be protected by the Ballot it would do; but as it was a mere extension of the suffrage to the tenantry of the rich and powerful, if they were not protected by the Ballot the representation would become even more corrupt than before. For his part, he would never cease to advocate the necessity of the Ballot, because he was sure that the Reform the Ministers contemplated required the protection of the Ballot more than the system at present in existence. He believed that this subject would now be pressed on their attention by petitions. He had heard of numerous meetings about to take place; and although the noble Lord (Lord John Russell) thought that there would be no agitation, and assured the House that there would be none, he knew from good authority that there would be such agitation as they had never seen before. There used to be itinerant orators to support the spirit of these meetings; but now there were to be meetings at the Common-hall and the Common

Council, and throughout the kingdom, on the subject of this Reform plan. While he had the power to address himself to that House, he would do very little out of doors. There he had the privilege of speaking that which he conceived likely to benefit the cause he espoused; and he therefore left to others the task of doing the work elsewhere. He assured them, there was no new light broken in on him with reference to this matter. He had always held the same opinions. At election dinners, and elsewhere, when a little knot of politicians condescended once a year to meet their constituents, and where he heard them utter language they would not have dared to make use of in that House, he had always recommended that these persons should be sent to say those things in the place where the whole world would hear them, and derive benefit from them; and that, rendering duty to their constituents, those constituents might also be left to play their own part when the occasion required it. He might occasionally have been led to use expressions respecting that House which were thought disrespectful, but he confessed he had been misled by others, and that, with the exception of some interruptions, of which he could scarcely complain more than others, he was bound to say, that he had been mistaken with respect to the character of its Members, and that it did not deserve the censure he had known to have been cast on it. He had little more to say; for he had already trespassed too long on their attention; but he must add, that those who said the Ballot would make men greater hypocrites, seemed to know little of human nature or of society. They did not seem to recollect that, at the Clubs of the highest classes in England the Ballot was constantly resorted to as a means of evading the odium of a vote; but if any man was to say in these Clubs that the Ballot made its members hypocrites, he would have his heart made a very cullender with bullets. The principle of the measure was founded in property, and intended for its protection; but he was prepared to contend, that without the Ballot the principle would be wholly defeated in its operation. He was sorry he had trespassed on the House so long. He did not often do so, and should not probably do it again; but the importance of the occasion must be his apology. He knew the anxiety with which the House wished to hear the opinions of the right hon. Ba-

ronet (Sir R. Peel) and the member for Boroughbridge (Sir C. Wetherell); and he confessed he shared that anxiety, for he had not heard as yet a single argument or observation on the subject of Reform with which he had not been familiar for the last twenty years. He was sure they would not make use of any of his arguments to serve their purposes; and he should therefore at once conclude, in the hope that, if opposition was to be offered to Reform, there might be some reason found in those who offered it.

Lord *Morpeth* addressed the House. He said, he owed it to his constituents not to involve himself in the details of the measure, but to address himself to its general character as well as to the general character of the objections which had been preferred against it. If he considered the House on the present occasion to be an arena for intellectual combat, he would not have ventured to present himself to their notice after the able speech of the hon. member for Calne; but he believed the present moment to be the awful period of suspense before the momentous result in which the future destinies of the country would be seriously committed, and therefore every one who felt a deep regard for his country was called upon to lift up his voice in serious and anxious warning. It was clear, beyond all doubt, that the present was a critical conjuncture in the history of the question of Reform which had never before occurred. The question had been long and often agitated, but generally as a matter of theory, speculation, and constitutional antiquity, and without taking such deep root in the feelings of the people as on the present occasion. It now came recommended to the notice of the representative body by the unanimous voice of the whole country, and was submitted to the Parliament by the confidential and responsible advisers of his Majesty. After the best consideration which he had been able to give to the measure submitted to the House, he believed that it would satisfy every friend of rational freedom, and that it contained nothing which ought to alarm the friends of order and the existing establishments. He would characterise the measure as a safe, wise, honest, and glorious measure, although the noble member for Aldborough had described it as frightful and horrible. A more complete redemption of pledged faith had never been performed than by the Ministers who

had brought forward the present measure. He would not deny that it presented points on which legal ingenuity might fasten,—at which petty criticism might cavil—or even conscientious caution pause; but it went to the root of the evil, and the remedy proposed was practical and easy. It placed the elective franchise within the reach not only of the man of property, but of the man of common industry; and it enabled a man to enter that House without possessing the smile of a patron, or the favour of a corporation. The hon. member for Preston had complained that the plan submitted by Ministers excluded all the lower classes from a share in the Representation; but its effect, he believed, would be, to inspire those classes with a wish, and to provide them with the means, of obtaining their share in the Representative system. There was, however, one thing in which the hon. member for Preston and the noble member for Aldborough both agreed,—namely, bringing a charge against Ministers for not disfranchising Calne, Tavistock, and Knaresborough. The statement which he was about to make would satisfactorily account for their not having done so. Calne contained 4,549 inhabitants; Tavistock, 5,483; and Knaresborough, 5,283. But, further than this, he begged leave to tell the member for the populous town of Preston, and the member for the walls of Aldborough, that though those boroughs were not disfranchised, they were opened. Of the other boroughs he could not speak with certainty, but he knew that after Knaresborough should be once opened, it would be impossible for the Duke of Devonshire to influence the voters. He heard much of the danger of advancing in the cause of Reform, but he would wish any one to point out the safety of remaining as we were. Was there no danger of a collision between the present representatives and the constituent body? The alienation of these two bodies had long been going on. If the House were not blind or mad, they would seize the blessed loan of the present hour. It was said, that the measure under consideration was a concession to the determined and rancorous enemies of the constitution,—that it was their wishes which were being fulfilled, their work which was being done. The case was far other wise. If such men did exist, as there were always to be found crazy radicals in every country who were the enemies of good

Government and social order, the wish nearest to their hearts was, that the House would obstinately refuse the amelioration which was called for by the sound and discriminating sense of the country—

“*Hoc Ithacus velit, et magno mercentur Atridæ.*”

The history of the Catholic question afforded a useful hint on the subject of Reform. It showed, that when the parliament did what was right, they removed disaffection, and rallied around them all the well-disposed. If the House were prepared to declare that the demand for Reform was not proper,—that the evil was not manifest,—that the corruption was not glaring,—they might with perfect consistency determine not to give up a stone of Gaton, and to die in the ditch of Old Sarum, where there was nothing but a ditch to die in. He believed, however, that the House would not so far outrage the sense of the community as to say that they would not so much as entertain the question. The question of Reform had been supported by the Constitutional authority of Lord Chatham, the talent and integrity of George Saville, the young energies of Mr. Pitt, and the consistent manhood of Mr. Fox. Those were high authorities. It was true there was one great name opposed to Reform—it was the only point upon which he differed with the late Mr. Canning in the latter part of his career. He recollected, with as much regret as he generally recollected every thing with pleasure connected with that great man, at whose feet he had so often sat, and listened with delight, that he had been obliged to vote against that highly-gifted and eloquent Minister on this question. He, however, had doubts whether, if that lamented statesman had now occupied the place he was so fitted to fill in his Majesty's Councils he would have resisted the concession of Reform to the generally expressed wish of the people. There was a course—and that a safe one—left for Ministers to steer in the difficulties of the present epoch. It was a middle one between the two extremes of dogged resistance to all improvement in the Representation on the one hand, and, on the other, that worst species of Reform which could hardly fail to end in the violation of all property, through the violence and cupidity of those who had nothing to lose, and therefore dreamed not of fear. He hoped Ministers would be induced to persevere in a measure which would be satisfactory to all right minds,

who, it would not be too much to anticipate, would all be with them in their efforts to meet the general wish of the people, expressed in numerous petitions. It was their duty to go on fearless of consequences, whilst they resisted what was unwise, unjust, and unsafe, re-invigorating what was weak in our Constitution, and preparing to transmit that Constitution so improved, with the addition of fresh guarantees of its liberty and permanency, to futurity. It, perhaps, would be the fate of the country to bear her share in the threatening great convulsion which had been felt elsewhere in Europe; but of this they might be assured, that if she were to fall in such a crisis, her misfortunes would not be found to arise or originate in the annihilation of her rotten boroughs, or the disfranchisement of corrupt electors, in an extension of the elective franchise to property hitherto unrepresented, or to the acquiescence of a Ministry in the very generally expressed prayers of an united and intelligent public.

Sir *Charles Wetherell* rose, and said, that it was the constant usage in that House, for Members the most distinguished for character, and the most eminent for ability, when they rose to address the House upon any important subject of discussion, to commence with some expression propitiatory of its attention. If men of twenty times the ability which he could lay claim to, and twenty times his superiors as to any means which he possessed for obtaining success in his endeavours to arrest the attention of the House, had found it necessary to bespeak in this way a favourable hearing, there existed on the present occasion one reason paramount to all others why he, at least, should throw himself on the most indulgent, he was going to add religious, consideration of the House, because the noble Lord opposite, the Paymaster of the Forces, had propounded a list by which he had made it known to him, that he was now for the last time to rise to address the House as the organ of any portion of the people. He was, therefore, literally and precisely placed in that most unhappy predicament of a Member of that House rising to make his last dying speech. If ever there was an occasion when that patient indulgence, that gentlemanly consideration, that inviolable habit of allowing a Member to solicit the attention of the House, while he trespassed upon its notice, should be suf-

ferred to operate, it was on the present occasion, because the trespasser was soliciting that indulgence for the last time. He could never again supplicate for that attention, and therefore well might he ask, and well might the House concede, the favour of receiving the last address of the dying member for Boroughbridge. The kindness with which the House received the allusions he had made, served as it were to reanimate his extinguished spirit, to reinvigorate his prostrate mind, and to resuscitate his fallen feelings, and induced him to think, notwithstanding the list of the noble Paymaster, by which Boroughbridge was cashiered, that he might still, in defiance of that list, aspire to a seat in that House, if his constituents should think that he had acted well in his representation of that borough, which the noble Paymaster's list so presumptuously cashiered. If the noble Lord, for whose talents he entertained the most unfeigned respect, and for whose mode of introducing this Bill, as well as for the attention which he had so diligently bestowed upon the subject, the well-ordered arrangement of the matter, and all the merits which belonged to his exposition of the details—if the noble Lord would do him the favour of accepting the dying compliment of an expiring Member of Parliament, he would thank him very sincerely. That noble Lord had been but a short time in office, but there was a contamination—he did not know how it happened—but, when a man who had sat on the Opposition side of the House obtained a seat upon the other benches, there was an elective attraction, as the chemists called it—and the figure would serve as well for a political as for a chemical subject—there was an elective attraction between the office and peculiar qualities in those who sat in it; and as different bodies when combined acquired properties which were not discernible in either before the union, so the noble Paymaster of the Forces, by being united to office had all at once acquired the qualities of a great leader. The noble Lord had not been six months in office, and he now issued his sentence against upwards of a hundred Corporations of this realm, proscribing them from exercising those rights and privileges which they had heretofore enjoyed, after a fashion that was much more like military proscription than Parliamentary Reform. Those who had addressed the

House at an earlier period upon the subject had had the opportunity of discussing it pretty much in detail. The House would indulge him while he endeavoured to enter into it, so far as he conceived necessary, premising that it was not his intention to go round the whole circle of the question, but to select two or three prominent points which had excited his attention in the discussion of this extremely important subject. An hon. Member who had spoken lately (Mr. Hunt) had said, in giving him (Sir Charles Wetherell) a compliment for what he had not said—although really so many things were appropriated to him that he did not well know which belonged to him—the hon. Gentleman had said, that he (Sir C. Wetherell) would not adopt any arguments urged by him. Now he would say, with that perfect sincerity which became a man who was called upon to speak nothing but truth, that nothing had occurred since that hon. Gentleman had been a Member of that House which would induce him, or as he thought, would justify any Member of that House, in not receiving from that hon. Gentleman any argument, or maxim, or remark, which he might address to the House. He would, for his own part, be quite ready to take out of any given speech of the hon. Gentleman any argument or maxim which might be useful for any purpose which he wished to enforce. Therefore the hon. Gentleman disparaged himself, and did an injustice to the House, when he supposed that what he offered to the House would not be adopted or approved. But, if the hon. Gentleman used arguments which were against himself, he could not expect that others would borrow those arguments from him:—and such arguments the hon. Gentleman had used: for, although he said that he would vote for the Bill, yet he had used an argument against the Bill, and the argument he used was this: he admitted that his Majesty's Government intended to form an altered constituency and a changed representation which should be acceptable to the people, and satisfy all their demands, there being a representative body, in which all would be represented; but the hon. Gentleman said, that instead of creating attachment to the Government, and appeasing and quieting the feelings of the public, the present proposition would create greater agitation than before. The hon. Gentleman deceived him-

self, and did the House an injustice, in supposing that any topic or argument which he might put forward would not be fairly weighed in the balance, and dealt with in the same candour which would govern the House in considering the observations of any other hon. Member. His argument certainly formed a successful sequel, in point of practical effect, to the speech of the hon. member for Calne, whose great eloquence, whose weight of character, power of language, and force of fancy, ought, in his opinion, to carry amongst the hon. Members on the other side of the House some little clog or impediment to their proceedings in the disfranchisement of these boroughs. And here he meant to throw in an additional drawback, or impediment, suggested by the point to which he had just now referred. He saw no reason why the borough of Calne should be left not disfranchised, while so many others were comprised in the noble Paymaster's list. Why had this particular borough been selected, unless the selection were intended to secure talent and learning, and ability and eloquence? That was his ground of argument. He contended that his Majesty's Ministers did not consult the advantage of the people, because this fact proved, that as some boroughs were to retain those privileges from which others were to be excluded, the selection, or the rejection, was not a selection or rejection founded upon the principles of universal justice, but upon motives of partiality or expediency. If one borough were to be deprived of its rights and privileges, while another retained those rights and privileges for particular purposes, what other inference could be drawn? [*Hear, hear*]. That "hear" he heard, and he repeated what he had stated, that no Gentleman on the other side of the House had given any reason why Calne should retain its privileges, while other boroughs were to lose their's. Let some Cabinet Minister—all of whom, by the way, were very shy of coming into the field,—monstrous shy of the gap; let some of the Cabinet Ministers come forward to refute him if he was wrong. They had produced none of their own body to defend their Bill. They allowed their friends behind them to discharge their fire fore and aft, and to receive the fire of their opponents, but of the Cabinet Ministers no one rose. He called upon any Member of the Government, then, to rise and

rescue them from the charge of partiality which he advanced against them. And here again he had been diverted from the course which he had proposed to himself at rising by the observations of an hon. Gentleman who had lately sat down. He should now take the liberty of calling the attention of the House to the subject before it, and he hoped to obtain that attention, because eloquence sometimes ran away with accuracy, and long speeches made the House forget the subject under discussion [*hear, hear*]. Did hon. Members who never spoke a sentence in that House mean to abridge him of the five or ten minutes which he claimed from the indulgence of the House? Did hon. Members who chattered "hear, hear," giving no one an opportunity on any occasion to reciprocate that exclamation, wish to debar him of the privilege of which they never sought to avail themselves? Did an hon. Member standing behind the chair suppose that he was to be silenced by these cries? He repeated that it sometimes happened that long discussions prevented the House from collecting the precise subject which was before it. What was now before the House was, the question whether the Bill by which the noble Paymaster proposed to cashier sixty boroughs, thereby occasioning a loss of 120 Members, and forty-seven boroughs as to the half of their privileges, constituting in the whole a loss of 168 Members—whether a plan of that sort, which he would not call an offence, but a proceeding to which he must give a name, and as Mr. Locke had said that the best way of describing a thing was to call it by its proper name, which he would therefore call Corporation robbery—whether that plan, by which sixty boroughs were to be robbed of their Representatives, and forty-seven to be curtailed of their privileges, should be acceded to by that House? When a military plan, was under discussion, it was allowable to use military phrases; and he who was now addressing the House for the last time, had a right to complain of the wholesale cashiering of 168 Members, who were no longer to be admitted within those walls on any future election. The right hon. the First Lord of the Admiralty had told the House on a former occasion—he would not say unconstitutionally—he would not say against the orders of the House—or in violation of any of the privileges of the House; but the right hon. Gentleman

had told them that a dissolution of that House was to take place, so that the boroughs were to lose 168 Members; there was to be a total remodelling of the House, and there were to be sixty-two Members less composing it than at present. From the robbery and the pillage of A, B, and C, new Members were to be given to D, E, and F; and, after the spoliation which was to take place, the House would consist of sixty-two Members less than it now contained. He must say, that this cutting off—this amputation of sixty-two Members,—was a very odd sort of thing. Up to this time—to the days of a Reforming Cabinet,—no Reformers in any rank or walk of life—neither the middle orders nor those whom the hon. member for Preston took under his immediate and special protection, the multitude, none of any class, in taking a view of the changes which they considered necessary in the representative system of the country—no Reformers, until it came to this Reforming Cabinet, ever produced a plan of Reform cutting off a proportion of the Members of that House. His Majesty's present Ministers had the credit of that proposition—they had the credit of it, as they claimed it—but the merit was not their's originally. The present Cabinet of Althorp and Co.--["*order.*"] He would say, then, the present Cabinet, consisting of the noble Lord and his associates,—had been preceded by that of Cromwell, Fairfax, Fleetwood, and Co. The noble Paymaster proposed to reduce the House of Commons; and in thus reducing it, the merit did not belong originally to the present Cabinet, but the precedent was borrowed, almost exactly in form, but certainly in substance and effect, from that Cabinet which, after the days of the Regicides, proceeded to form the Commonwealth of England.—Yet these hon. Gentlemen said, "We wish to preserve our ancient institutions." Yet these hon. Gentlemen said, "The conservative principle is the principle of our system." Yet these hon. Gentlemen said, "Our object is, to prevent the incursion of the multitude, and to establish such a Representation as shall be consistent with the prerogative of the Crown, compatible with the existence of the Church, and the constitutional privileges of the land, and preservative of the rank, dignity, and property of the country." This conservative plan, however, was the plan introduced after the monarchy was de-

stroyed. Was this so, or was it not? Let any member of the Cabinet contradict him if it were not so; and if it were, let him state, that the principles of Representation were changed, and that what was radicalism in the year 1651 was not equally radical and equally subversive of constitutional rights—equally destructive of aristocratical privileges, and detrimental to property, in 1831. His wish was, to confine himself literally and strictly in his observations to the topics which appeared to him most important. Hon. Gentlemen opposite said, that all who opposed this motion presented themselves as the opponents of all possible Reform. He was not one of that number. He had never said, that no change, of any nature or kind, could be made in the electoral laws, or that great—nay, perhaps, he might say, the greatest—practicable improvement might not be infused into them by some means by which those places which now had no Representatives might, consistently with the principles of the Constitution, acquire the right which they did not at present possess. Those hon. Gentlemen had fallen into a logical fallacy; their argument amounted to this, that, unless others acceded to their particular plan, they would predicate of their opponents, that they meant to assert that no Reform was necessary. This might be good logic in Downing-street, for aught he knew, but it was not, in his estimation, sound reasoning to assert in the House of Commons, because a man objected to a particular plan of alteration, that he maintained that it was impossible to improve. The Gentlemen at the other side of the House had all been betrayed into this fallacy, and they endeavoured, most unfairly and most unjustly to assert, that the opposers of their plan were the opposers of every plan of Reform. Such logic would not hold good; and if any man were to tender in a baker's shop a shilling as false and counterfeit as that logic, the baker would call for a hammer, and nail it down as a spurious shilling on the counter. The House had heard a great deal on this subject, particularly from an hon. friend of his, who had been lately perambulating the broad streets of Marylebone. He could assure his hon. friend, that such logic would not go down there. But it seemed that delegates were to come from the Tower-hamlets, and Wapping, and Shadwell. The House would permit

him to repeat, that in those districts also reasoning of that description would be exploded. If the House of Commons should be disposed to reject the noble Paymaster's plan, they only rejected one specific plan, which was considered on all sides of the House—at least by those who opposed it—an inexpedient one. He should now take the liberty of calling the attention of the House to the real state of the question before it, upon which an hon. Baronet near him (Sir John Walsh) had spoken so well, as indeed might have been expected from his written composition on the subject. The question was not one of Reform, but a new creation, and a substitution of a totally different Representation. Let the House look at the particulars of the plan. A practical change was to be made in the bringing together the Members of that House. The measure was not confined to a matter between the Constituent and the Representative, but it was to be considered whether it did not affect the form of government and the Constitution of the country. He did not mean to use the word in a sarcastic sense, but politically; and, indeed, he would also use it sarcastically. The House should consider whether this proposition was not radically hostile to the form of government now existing in this country. The House was bound to look at the question with reference to its relations to every class of society. He did not know if any Gentleman had laid before the House a list of the governments at present about to be made. It was said, "Oh, never mind; this is only an experiment." Did hon. Gentlemen recollect that there were too many experimental governments afloat at present? Were they aware that the smithy in which the political blacksmiths worked, where constitutions were forged upon the anvil—that that smithy was at work all over Europe. Was there not a question now pending as to the Constitution to be established in Greece? Was not the Charter of Portugal a subject of difficulty and dissension? In Belgium, was it not a matter of anxious inquiry what relations were to subsist between the community and their rulers? And what had taken place in France—a country to which he must incidentally allude, but to which his allusions should, for obvious reasons, be as brief as possible. After the monarchical sway had been put an end to in South America—since those

who had been planning, and mapping, and allotting constitutions had commenced their labours—no constitution had been established in the separated colonies of South America. He said that, in the present aspect of political affairs, Great Britain ought not to add to the examples of experimental States the visionary projects of his Majesty's present Government. Those who rejected this experiment, even though they rejected it *in extremis*; and with their last breath, had a right to be supposed to speak from the dictates of conscience, if not from perfect accuracy of judgment. He therefore, appealed to the House, whether an experimental constitution, of the nature now proposed, would not add to the embarrassments of this country in her relations with all Europe, the most important States of which were in absolute insurrection. Yet this was the time at which his Majesty's Government thought fit to make experiments, and to sketch out a new Constitution, as if the Constitution of Great Britain had not had an existence before, and had not been handed down from age to age with continual improvements and annual emendations, in all its parts, where emendations or improvements could be safely applied. When all Europe was in a state of insurrection and distraction, was it for us to go to sea under the flag of the new Admiral of England, to try an experimental cruise in quest of a new Constitution? Why was this experiment to be made now? There were hon. Gentlemen at the other side of the House whose talents he highly admired, and with whom he had formerly acted. There were three members of the Cabinet—the Secretary of State for Foreign Affairs, the President of the Board of Control, and the Secretary at War; and there was also an hon. and learned friend of his, whom, if he was now present, he had not the pleasure of seeing in his place. Oh, his hon. friend was there, and he hoped he would put in a word by and by for Bletchingley. The democratic cloak of Reform must hang loosely upon his shoulders, as well as on those of three of the Cabinet Ministers who resisted the Reform proposed last year by a noble Marquis (Blandford) opposite, which, as compared with the present, was parsimony and moderation itself. He had been attacked for his pertinacity. Now a man might certainly be too close-fisted in retaining his opinion,

But, on the other hand, a man might have two opinions. If he were too confined in retaining his opinions, were not the hon. Gentlemen opposite too ready in changing theirs? Three members of the Cabinet last year negatived the smaller plan of Reform, and would not allow the measure even to be brought in. They said, "We cannot touch it or hear of it." The Admiral said, that the vessel must not even go out of port at all. He would not suffer the noble Marquis to rig his ship. He did not know how it was. He supposed the change was produced by the deleterious effects of office. Those who had opposed all Reform combined with extreme Reformers, and with the promoters of moderate Reform; their combination produced the present consolidated and united Cabinet, and their joint labours produced this consolidated Bill. Having shortly alluded to these circumstances, he would now shortly state the main proposition of his argument. He had said, that the noble Lord's measure was a corporation robbery. It was an extinction of 168 Members whose constituents were to be for ever, as long as the world should last, robbed and deprived of the franchise and privilege of returning 168 Members to Parliament. He should be glad to hear the opinion of his hon. and learned friend the Attorney General, who did not labour under the vice of appearing there on behalf of a small borough, but was the representative of a large constituency, an honour which he (Sir C. Wetherell) had once enjoyed himself. We had lately had a Special Commission for frame-breaking, and without meaning to use these observations in a literal sense, but rather in a figurative way and illustrative of his argument, he had been turning it over in his own mind whether there might not be a Special Commission to try the present Cabinet for Corporation-breaking. The Paymaster broke down *sans ceremonie* 168 Corporations, giving a very good specimen of political machine breaking. The peasantry broke machinery because they thought it abridged manual labour; and the present Cabinet broke the machinery of the Constitution because it abridged the labour of courting popularity. The Cabinet said, "We may thus new fashion the Constitution and the Representatives, and, with the same ceremony that the insurgent labourers broke frames, we will break, annul, and destroy a number of

Corporations." His object in calling the attention of his Majesty's Government and of his hon. and learned friend, the Attorney General to these points was, that they might see what was the power of that House as regarded the Constitution. He did not mean to assert that the omnipotency of Parliament was not co-extensive and co-equal with any circumstances which should arise to call for its exercise. But it had always been considered, that if certain acts were done by Parliament, they would constitute infractions of existing privileges as much as if they were done by the Crown. The principle of preserving the charter of Corporations had been, up to this time, held as sacred in that House as it was in Courts of Law. He did not mean to say that all these boroughs had charters, but the prescription and usage by which they had enjoyed their rights and privileges were, in a constitutional point of view, identical with a charter itself. He believed there was no instance on record of Parliament having sanctioned the civil sacrilege which was now contemplated by the King's consolidated Cabinet. There was no instance of a civil charter having been sacrificed by Parliament without any delinquency being proved. But not only was the noble military Paymaster prepared to strike a vast number of places out of the list of Corporations, without any delinquency being established against them—he also went the length of telling all those who were opposed to the measure, that they were bigots, and ought not to be heard. He believed,—nay, he was confident,—that it would be found that the Journals of that House did not contain a single precedent for this monstrous act of spoliation—this civil sacrilege: nor would it be found in any case that Parliament ever assumed to itself a power of abolishing any corporate right—that is, of abrogating any charter—without a clear act of delinquency having been previously established against it. No: it was not till the present military-law-principles, that Corporations were condemned without trial or hearing. He defied the whole Cabinet, and all its deputies, military and civil, to cite a case of any Corporation having its chartered rights abrogated at one fell swoop, without a case of delinquency having been even insinuated against it,—without any form of trial, without any pretext, palliative of such

monstrous conduct; without any shadow of argument; unless, forsooth, the telling them they were blind adherents to the laws and usages of the Constitution were received as an argument. The course which the present consolidated and unanimous Cabinet proposed to themselves to follow, was not only opposed to every recognized principle of law and justice, but was opposed to every precedent of Parliament. What did they propose to do? Why, no less than, without hearing, without trial, by the mere fiat of their own tyrannical will, to deprive thousands of the rights which they enjoyed under the Constitution. He said they had no precedent; he corrected himself, there was one. On the Journals of the House it would be found, that in the time of Richard 2nd, an Act was passed for disfranchising the borough of Cambridge. The circumstances which gave rise to this anomalous proceeding at least could be quoted as a ground for the proceeding of this consolidated and unanimous Cabinet. It was the consequence of the very violent conduct of the townspeople against the University—of the town against the gown. The Vice-Chancellor was imprisoned, and the students who attempted his rescue dreadfully beaten. On a representation of the proceedings being made to that House, as an example, it was deemed expedient to deprive Cambridge of its corporate charter; but that parliamentary confiscation was at a subsequent period, as they all knew, reversed; so that even that solitary instance of parliamentary confiscation would fail the noble Paymaster as a precedent. Then, there being no precedent, he should be glad to hear from his hon. friend, the Attorney General, the constitutional legal adviser of the Cabinet upon what principle of law he would justify the present audacious attack upon the corporate rights of so many of those much ridiculed places called small boroughs. He should like to hear from his hon. and learned friend what argument he would substitute for the absence of precedent. Indeed, highly as he respected the acquirement and ability of his hon. friend, he doubted very much whether even he could bolster up this insuperable defect of the great measure of the unanimous and consolidated Cabinet, whom he was, in virtue of his office, bound to supply with a few grains of law,—and much they were wanted,—whether even he could lay his

finger on a single page of the Journals of that House which could at all warrant such an act of wholesale confiscation,—aye, of civil sacrilege. When the Government should have told them the legal grounds on which his hon. friend had recommended, or rather, he should say, sanctioned—for from one so eminent as a lawyer, he could not think so illegal a measure could originate—he should be prepared to meet him. He would also take that opportunity of saying, that it would have been a great advantage to the Budget if it had been enlightened by a small modicum of law. His hon. friends had shewn that it had not much common sense to recommend it; and it was directly contrary to the law of the land. As it was, he would tell his hon. and learned friend, and the united Cabinet again and again, that their measure was one opposed to every principle of law and justice—was a measure which no Cabinet with which the history of this country had made us acquainted could have sanctioned. It was a measure, which only some Cromwellian band, ruthless of all law, and of all those usages which the Constitution had preserved for ages, could have ventured to propose, as a remedy for any complaint of the public mind. He again would ask this unanimous and consolidated Cabinet, or any of its deputies, to answer this simple question:—when was there ever committed—where was the instance—what constitutional precedent was there for so gross an act of injustice, as, by one compendious and confiscating measure of the noble military Paymaster, to deprive so many towns and individuals, without a single crime being alleged against them,—without warning, without any species of trial whatever,—of their most sacred rights as English freemen? The noble Paymaster might, perhaps, refer for precedents for this wholesale measure of spoliation, to the confiscating times of Henry 8th. That monarch, they all knew, had effected extensive spoliations of monastic property; but then he did it openly, as an act of rude, despotical spoliation, wholly opposed to every usage and then recognised principle, civil and religious. His were the acts of a violent despot; pray, would they be cited as a case in point, justifying the noble Paymaster's equally wholesale intended spoliation? Would the machinery of Henry be adopted to attain the same end? That monarch had

laid his hands on several large abbeys, the heads of which resisted his rude violence, as far as they were able. What did he do? He indicted them as traitors, as in the examples of the abbeys of Glastonbury, Winchester, and Reading, and thus compelled them into what was called a surrender of their charters. This was robbery *secundem artem*, not only independent of all law, but opposed to every principle. In the present case, however, this mockery of a surrender of chartered rights would not, it seemed, be had recourse to; and, by a plan still more iniquitous, if possible, than the unconstitutional spoliations of Henry 8th, the chartered rights of sixty boroughs, returning Members to that House, were, without trial, without offence, without any pretext whatsoever, to be taken away at the will or caprice of a Cabinet theorist. If he were wrong in his assertion, that Ministers had no precedent for the present measure, and were set right, which he believed he should not be, he would acknowledge his error. He asked for explanation on this point; he wished to know by what fiction of law, by what theoretical arrogance, by what train of sophistry, by what apparition of authorities, by what shadow of facts could this measure be justified, which was to invade time-honoured rights, and violate principles, long applauded and respected by that House. To be sure they were told that they were bigots, for that, it appears, must be the future name of that once honourable race of Tories. Well, then, as it would be supposed he was only quoting a bigot's opinion, were he to cite the authority of any distinguished advocate of Tory principles, he should like to hear what Mr. Fox, the great Whig leader, thought on the subject of parliamentary confiscation. The opinions of that eminent individual had already been referred to by the noble member for Yorkshire. Now, though he was far from being a blind adherent to the doctrines ably advocated by Mr. Fox on very many subjects of great public interest, he still thought the unbiassed, calm, and uninfluenced-by-party-motives opinion of so experienced a statesman, well worthy of attention, from his veriest political opponent. It might be remembered, that in consequence of some riotous proceeding which took place at an election at Nottingham, it was proposed to disfranchise such of the electors as had been the greatest delinquents on the occasion. To be sure

the occurrence was rather droll after all—if droll it would be considered now-a-days. There was a procession, in which a dame, not over and above distinguished by the immaculate purity of her habits, nor, on that particular occasion very remarkable for the quantity of her muslin robes, which, indeed, more resembled those of an opera *figurante* than a Dutch housewife; this dame was paraded as the Goddess of Reason, there being the proper accompanying paraphernalia of tri-colours, then the fashionable colours of the day. Well, the goddess was paraded in great pomp, and with a great crowd of enlightened worshippers, till the procession was interrupted by the refusal of some gentlemen of the Tory interest—bigots, according to the new-fangled doctrine of the noble Paymaster-deputy of the unanimous and consolidated Cabinet—to pay divine homage to the strumpet goddess, for which bigotted refusal they were told they should have all their coats spencered. He could not describe things in the glowing language of the hon. member for Preston; he could not allude to all the acts that were done, but in consequence of what was done it was contended, that the borough ought to be cashiered. The matter came before that House, and after a long discussion, Mr. Fox gave it as his opinion, that it would be proper to oppose any measure of disfranchisement, on the ground that the “bill would be a bad precedent, because, if followed up, it would not leave an existing corporation in existence.” Such was the opinion of Mr. Fox,—an opinion which he knew not how his hon. and learned friend, the present member for Nottingham, could get over. He had just been reminded, that Mr. Fox was also opposed to the disfranchisement of Shoreham, because he thought, and that justly, that the conduct of the guilty electors in that borough, should not be visited upon the innocent; and on that occasion an individual, whose opinion but seldom chimed in with Mr. Fox's, divided with Mr. Fox—namely, the present Earl of Eldon. The hon. and learned Member repeated his objection to the measure, of its being opposed to the uniform laws and usages of Parliament, and he called upon the members of the unanimous and consolidated Cabinet, and all its deputies, civil and military, aided by his hon. friend, the Attorney General to boot, to quote a single instance, justifying such a monstrous act

of spoliation of the chartered rights of corporations, as old as the Constitution itself. How did the noble Paymaster mean to justify his disfranchising, at one fell swoop, those who returned 168 Members to that House? Should such a measure,—such a daring violation of the principles of the Constitution,—such a flagrant breach of all constitutional rights—be sanctioned to suit the views of any mere arbitrary theory? Was a Cabinet, now by accident, and for this occasion only, unanimous and consolidated, to propose for the deliberate sanction of Parliament, that that House, which, up to the present moment from its institution, was essentially a conservative body, should so fling aside all its usual characteristic attributes, and become the greedy spoliator of so many long-established chartered corporations? Where, if once the principle of charter spoliation be admitted, were they to stop? Did the hon. Alderman (Waithman) behind him recollect anything of the circumstance, that the Corporation of the City of London had been deprived of its charter in the time of Charles 2nd? And did he know anything of the violent excitement that occasioned? If he did, then his vote was, to use a homely expression, as surely nailed down against the present scheme of the noble Paymaster, as he had already nailed down the spurious coinage which the military deputy of the Cabinet had given them by way of argument. And why did he thus count on the hon. Alderman's voting with him? simply on the old maxim *hodie mihi cras tibi*—what may succeed to day with respect to some obscure borough, may be tried with equal success to-morrow, with the Corporation of London itself. And this brought him to his own immediate case, so far as he might be affected by the disfranchisement of Boroughbridge. The hon. Alderman might recollect, that the attempt upon the rights of the Corporation of the City of London, in the time of Charles 2nd, was made by the then Attorney-general, Sir Robert Sawyer. For that daring violation of constitutional right, Sir Robert was expelled from that House by a subsequent Parliament, and he ended his days, as it was to be hoped none of his successors ever would, in ignominy. Now, it might happen that he (Sir C. Wetherell) should not again sit for Boroughbridge, but his case would be much better than Sir Robert Sawyer's, as it was one thing not to be

elected for a place, and another to be turned out of the House by the Serjeant by the shoulder, and a number of officers, and to be pursued by the just execrations of the whole country. He must again repeat, that the measure would be a violation of all chartered rights, wholly unsupported by precedents, and one of the consequences of which, to all existing corporate rights, it would be impossible to foresee. Let the House pause before it agreed to such a mischievous, dangerous, and most unconstitutional measure. It should not be for a moment forgotten, that the Church, the established Church of this country, was a chartered body; that the Peerage held its privileges by instruments and patents, granted under the Great Seal; that the Bank of England and the East-India Company, and every other great establishment of the country, possessed all their rights and property, and utility and value, public and private, individual and aggregate, under a charter, which, like that of the about-to-be confiscated boroughs, might be hereafter violated, if the dangerous precedent were once supinely admitted. Disfranchise without a crime alleged, without a trial, without even the mockery of a form of justice, the least borough in the kingdom, and you open the door to the disfranchisement of the Corporation of the City of London itself. Where was the distinction? Would any lawyer in that House, however acute, point out any which even a legal fiction would sanction? would any statesman specify the limit beyond which the disfranchising principle of the Bill would not extend? would any man who heard him dare to say, that the principle which admitted that one Corporation, not guilty of gross misconduct, might be deprived of its chartered rights, solemnly guaranteed by the Legislature, in its deliberative capacity, would not equally apply to all the other corporate bodies? He would take his stand on this insuperable objection to the principles of the Bill, without entering into an examination of its provisions. He protested against the doctrine held by hon. Members, that it was idle to deal with a single case of corruption, even when proved, but that it was wiser and more statesmanlike to disfranchise a multitude of boroughs where no crime had been established. He remarked, that it was curious to observe the difference between the noble and military Paymaster,

and the radicals behind him. The one described it as a pacific measure—one that was to heal all wounds, and allay all irritation—one that was to be of the most auspicious augury to the middle classes—holding forth to them good promise of comfort, and happiness, and prosperity; that was to satisfy, to all who could prove a clear possession of 10*l.* a year. But the radicals, on the contrary, exclaimed, that there was nothing done, and that the community would be split into two classes, which would be placed in hostile array each against the other; for the multitude under this system would have no vote at all, and therefore, it was argued, would be in no degree gainers by it. It was clear at least from this, that the people would be divided into two classes of different and opposing pretensions; and yet this was the pacification the noble Lord held out to the House of Commons. Aye, truly: was that the healing measure—was that the oil which was to be poured into the wounds, and at once destroy their virulency, and abate all irritated feelings? This, it was evident, was strange surgery. They proposed a course of practice, which could have only one effect—that was, of aggravating the inflammation—adding poignancy to every pang—and creating a fatal conclusion, when there had in truth been no threatening diagnostics. He could not understand the new-fangled doctrine of the electoral law; nor could he exactly comprehend the new electoral body—the additions made, or the disqualifications inflicted: it appeared, however, that some were not to be disfranchised until the end of their lives. For the purpose of amending the electoral law, they seemed to have gone upon the principle of a very fashionable practitioner of surgery—Mr. Saint John Long. To cure some fanciful disease, they rubbed the patient to a state of sores all over. To get rid of the trouble of a little temporary unpopularity they were fretting and irritating all the great interests of the country. The monied men were anxious for the safety of their property, now menaced by this monstrous charter-destroying scheme: the landed interest, naturally squeamish for their well-being, were alarmed for the laws that protected their property; and the Church was fearfully awake to the dangerous consequence to their rights of this most unconstitutional and right-destroying innovation. They all

knew too well, that the men who coolly set at naught or destroyed the archives of a town-hall, would not much hesitate to cross the portals of a church-door, or break into the cathedral; and therefore they felt alarmed for themselves and the country. And who did Ministers expect to satisfy by their spoliation? Not the reforming public out of doors, for their cry was, “give us more Representatives, we have not enough;” while, so far from adding to the number of that House, the noble military deputy’s scheme went to lessen the numbers by sixty-two. So, where the reforming public asked for a *plus* remedy, this popular, consolidated, and unanimous Cabinet gave them a *minus* one. Then what, he asked, was the mode by which this amorphous body proposed to carry their iniquitous measure? Why, neither more nor less than by a most audacious threat to dissolve Parliament in the event of their failure. Now, he must say, with respect to this most unconstitutional and insolent menace, that the man who would be influenced by it in his vote on the present momentous occasion, would be nothing less than a rebel to his country. The man, he repeated, whom such a threat, uttered by any Government—particularly by one so vacillating and individually contending, and only united in this one monstrous measure of wholesale spoliation, would influence—was a man wholly unworthy of the name of British Senator—was a recreant in morals—and a man wholly deaf to the call of conscience, and of English liberty. Look at the ignoble situation, too, in which it would place the House even with respect to their common-sense consistency. The Bill proposed to disfranchise a large number of seats, on the ground that these seats were foul excrescences; it called upon the House to pronounce a stigma upon itself of the blackest die; it actually called upon the House of Commons to dissolve itself on the allegation, that it was not actually what it stated itself to be, the Representatives of the people. Then the dilemma the House would be placed in, should the Bill not pass into a law, would be almost as bad. Was, he asked, all faith in legislative charters to be thus destroyed for ever in this country, in obedience to an arbitrary theory? Somebody asked Nat Lee, in one of his frenzies, what was a charter? He answered, nothing but a bit of scribbled parchment,

with a seal attached to it; and so it should seem with the present consolidated and unanimous Cabinet with respect to the corporate rights of boroughs. They had evinced a more becoming respect for public opinion in abandoning the proposed transfer-duty, so opposed to law and usage, and why violate both with respect to the right of returning Members to that House? And this, forsooth, was the great remedy for all the ills the country laboured under. He should like to hear how the right hon. the First Lord of the Admiralty would explain at Cockermouth to his constituents his conduct since he last addressed them. On that occasion retrenchment, unlimited retrenchment, was to be the order of the day,—all burthensome taxes to the middle and poorer classes were to be removed, and the Constitution was to be restored to its ancient splendor, by a full and satisfactory measure of Reform. Now, what answer could the right hon. Baronet make to one of his agricultural constituents, standing on the hustings at Cockermouth, if thus accosted by him, “Well, Sir James, have you taken off the malt-tax?”—“No,” quoth the right hon. Baronet. “Have you,” rejoins the farmer, “at least, taken off the assessed taxes?”—“No,” again quoth the First Lord of the Admiralty, “the House of Commons and a sense of duty prevented me.”—“Then” again quoth the farmer, “since you have neither repealed the malt-tax, nor the assessed taxes, what the d—l have you done?”—“Why, we have not, to be sure, reduced much taxes, but to make amends we have taken off sixty-two Members. You asked for retrenchment, and there is retrenchment for you.” And the merry conceit might pass on the hustings, as a redemption of all the pledges of retrenchment, and all the other pledges it had pleased each individual member of the consolidated Cabinet to give. They most certainly proposed a pretty considerable and somewhat novel species of retrenchment as a remedy for the ills of the country, and this they called Reform. The farmer to whom he alluded, on the hustings at Cockermouth, finding that the promises of reduction of the Civil List, of the repeal of the Assessed and of Malt taxes, had all thus ended in lessening the number of Representatives in that House, would very naturally scrutinize the mode by which this last reduction was to be effected; and that the farmer might know, he hoped

that some member of the Cabinet would rise and explain the system of Reform which was going to amputate more than a hundred Members of the great political body. He had now performed, and he trusted within seasonable limits, that duty which he owed to himself, to the British public, and to the House of Commons, in making the observations upon this Bill, which he had found himself compelled to make, and he had now but a few words more to utter. There took place in Cromwell’s time a purge of the House of Commons. The purge was called Colonel Pride’s Purge. The Gentlemen on the opposite side of the House were close imitators of the Cromwellian system, not only of his system of Parliamentary Reform, but also of his sanatory purgative system; for they were prepared to expel, by one strong dose, no less than 168 Members of that House. He did not know what name he ought to attach to this specific; for he had not conceived it possible that the country would see a repetition of such a process a second time. Within the last three days, however, the House had been promised such a purge, to which, as no name had yet been attached, he would attach the name of Russell’s Purge. Yes, he would call this Bill, Russell’s Purge of Parliament. He said, that the principle of the Bill was republican in its basis. He said, that the principle of it was destructive of all property, of all right, of all privilege; and that the same arbitrary violence which expelled a majority of Members from that House, in the time of the Commonwealth, was now, after the lapse of a century and a half from the Revolution, during which the population had enjoyed greater happiness than was ever enjoyed by any population under Heaven, proceeding to expose the House of Commons again to the nauseous experiment of a repetition of Pride’s Purge.

The *Attorney General* rose amid cries of “adjourn,” which continued for some minutes, and prevented him from obtaining a hearing.—Although he was unwilling, he said, to persevere in addressing the House after a wish had been expressed for an adjournment, he thought that the manner in which he had been personally called upon to come forward by his hon. and learned friend who spoke last, would obtain him a hearing in any assembly of English gentlemen which had heard the challenge. They had heard of a tyrant-

nical Attorney General, who had been handed to the door by the serjeant-at-arms, and had been driven ignominiously from the House of Commons. He must own that he was much surprised that his hon. and learned friend, when he anticipated his own dying speech in that House, should choose to pair off with so detestable an officer—[*reiterated cries of "adjourn."*] He begged leave to ask hon. Gentlemen, whether it was intended that they should on all future occasions adjourn at half-past twelve o'clock? If that were to be made a rule, he would not persist in addressing the House at present; but if it were, he wished to know how many nights they intended to sacrifice to the discussion of this question? Were hon. Members to be prevented from speaking because the clock was then pointing to half-past twelve? He assured the House, that he thought time would be saved by his proceeding at this stage of the discussion. He would beg leave, then, to tell his hon. and learned friend, that no two cases could be more unlike than those which he had endeavoured to assimilate together. He admired the humour with which his hon. and learned friend had compared the purification of the representative system, which this Bill attempted to accomplish, to the two purges of the House which took place in Cromwell's time, and to the proceedings on the *quo warranto's* which took place in the reigns of Charles 2nd and James 2nd.; but he must remind his hon. friend, that though they might prove a contrast, they never could bear any analogy to each other. It was with astonishment that he heard one so well versed in the history of his country and of its laws, make so singular an assertion; and he could not account for it, even when he took into his consideration all the excitement under which his hon. and learned friend evidently laboured. This plan of Reform was compared to "Cromwell's purge." What is "Cromwell's purge?" It is a new name, which seems to mean Cromwell's plan for elections. But did his hon. and learned friend recollect in what terms a great authority, much revered in the University of Oxford, eulogised that plan? Lord Clarendon expressly declared it worthy of imitation by other governments. Surely his hon. and learned friend could not confound what is vulgarly styled Pride's purge with Cromwell's plan for elections. The two transactions were

divided by several years, and contrasted in all their circumstances; the one a violent military usurpation, the other a prudent and well-digested scheme of civil polity. At the former period, the soldiers stepped into the House, and carried the mace from the Table; at the latter, the protector devised a plan for the conservation of a government by three estates, which commanded the unwilling approval of Lord Clarendon. Now, as to the *quo warranto's*. The *quo warranto's* took away certain rights from corporate bodies; but what rights did this Bill deprive them of? The power of voting was not a municipal right. The power of selling a vote to a Duke or a Peer, or to a Duke's nominee or to a Peer's nominee, however palatable and delightful it might appear to hon. Gentlemen opposite, was not a reason why a corporate jurisdiction was established in any borough. That certainly was not the primary object for which borough corporations were formed; for his hon. and learned friend, the member for Calne, had proved, in a speech which was yet tingling in their ears, and which would dwell in their memories so long as their memories lasted, that the principle on which the right of representation was originally granted to the people of England was the very principle on which they were now going to extend it to that portion of the people which was at present without it. The corporations, then, are not to be extinguished, though some are to be deprived of the right to elect Members of Parliament. His hon. and learned friend spoke of himself, as if he was walking at his own legislative funeral. "Merrier tears the spirit of loud laughter never shed" than those which his hon. and learned friend, and his band of merry mourners had poured upon his bier. He was happy to see his hon. and learned friend disporting with such hilarity about his own grave. They seemed one and all like patriot philosophers overcome with joy in having an opportunity to make that sacrifice to the public which its welfare demanded. He would ask his hon. and learned friend, and those who were then acting with him, whether there was to be any Reform at all? Not one argument had they advanced that evening, which had not gone to the extent, that no reform ought to be made in the constitution of the Commons House of Parliament. He did not say, that such

was the object of the Gentlemen who had used the arguments, but it was unquestionably the point to which all their arguments tended. His hon. and learned friend had said, that he was no enemy to representative improvement. When, where, how, in what shape, had his hon. and learned friend ever professed himself a friend to it? He (the Attorney-general) had never heard such a sentiment from his hon. and learned friend before—it was brought forward on the present occasion to break, with the public, the force of the plan of reform which Government had now brought forward: it certainly was not the practical view which his hon. and learned friend, and his usual political friends, were accustomed to take on the subject, and if it had recently become their view, it was because they had been driven to it by the force of public opinion. If they were advocates for it to any extent, would they inform him what their plan was, and how far it went? If his hon. and learned friend had ever brought forward any plan of reform, or had expressed a desire to promote it, before that night, it was a fact in his hon. and learned friend's history which he had by some strange fatality completely overlooked. Unless his hon. and learned friend and his political associates meant to say, that the miserable plan of disfranchising Evesham and East Retford was their plan of Reform, and was one with which the public ought to be satisfied, he knew of no plan of Reform which they had ever patronized. That because in Evesham money had been paid to the electors, and the payment of it had been discovered by a Committee formed of Members who had only not been found out in making such payments, that because they were ready in such cases to make the most vigilant inquiry into the number of poor wretches who had contaminated their fingers with the bribes held out to them by their wealthy tempters,—that because they were willing to do this, they were to represent themselves friendly to reform and to step in between this measure and the public, was a project against which he, as an honest man, felt bound to enter his protest. He looked upon a plan of reform so uncertain, difficult, and distant, as not only a needless expense of money and of time, and an insulting hypocrisy to the people at large. It was, however, something in the shape of Reform, and proved that some sacrifice to public

opinion was found inevitable in the most hostile quarters. Even the noble Duke, who on the first day of this Session had declared himself opposed to all Reform, and had asserted, that nothing could be devised better than the present system of representation,—even he was anxious, in the last session of Parliament, to have the bill for the disfranchisement of East Retford pressed through both Houses, in the hope that it would be deemed a Reform which would satisfy the mind of the public. Since that time, the voice of the public had made itself heard in every part of the kingdom, and it now declared, in accents that could not be mistaken, that any such paltry, equivocating species of Reform would not give satisfaction. It appeared to him, that the argument which had been brought forward by the hon. member for Oxford on a former night, condemned the mode of proceeding which his hon. and learned friend wished to have applied to delinquent boroughs. His hon. and learned friend, as well as the hon. member for Oxford, had defended our present system of representation, on the ground that it worked well,—that its results were beneficial,—and that trade, and rank, and ability, obtained entrance into the House through the impure channel of corruption. If this were true, with what consistency could the advocates of such an argument disfranchise by an *ex post facto* law the places, where the door into Parliament was regularly opened to the highest bidder? It was as notorious as the sun at noon-day, that seats in that House were as purchasable as stalls in Smithfield? Why then should they disfranchise the poor man, who had some excuse at least in his poverty, for selling his individual vote, when they permitted the rich man, who had no excuse of poverty to plead, not only to sell his vote, but also to sell the votes of all persons over whom he could exercise the slightest influence? Mr. Canning had staved off for a time the question of reform. In the year 1822, by throwing into the back-ground the abuses of the present system, and by stating that the public mind was not alive to them, he delayed the application of a remedy, by raising doubts whether the evil existed. But could he have used the same language now? Certainly not—for the public mind was shocked at these things; it had taken a nausea at them—to use a term

from the vocabulary of his hon. and learned friend—from which it could never again be freed by the administration of any quack nostrums. He would ask such hon. gentlemen as had not yet forgotten the preliminary steps to their late elections, and who recollected the applications which they had received from different electioneering agents, to fight the battle of corruption as the third men in the different boroughs, whether it was possible for men to witness any thing more demoralizing or more disgusting than the processes by which the poor electors of those boroughs were to be corrupted by their opulent seducers? The people of England had at length discovered that the evil to which such corruption gave birth was no longer to be tolerated. The House of Commons was called upon to redress it, and he was satisfied that the Members of that House, as English gentlemen, would not hesitate to pursue their inquiries into the practicability of redressing it by passing the present bill. If hon. Gentlemen were inclined to say, that no reform ought to be had, or only such Reform as could be effected by no general law, but by acts of Pains and Penalties, applicable to particular cases only, the country knew what it had to expect from them; but if they said that Reform was necessary, but that this plan of Reform was not satisfactory, then he would ask them to try their hands at producing a scheme which would give them less annoyance, and would prove more beneficial to the public. He was willing to take his share of responsibility—and in saying so he was taking upon himself a share of credit that did not rightly belong to him—for having assisted in carrying into effect, in his official capacity, the benevolent intentions of his Majesty's Government. A noble Lord, in an eloquent speech last night, had compared the close boroughs to some portal through which integrity and intelligence might enter without much stooping. He would tell the noble Lord, that integrity and intelligence did not wish to stoop at all; and were bent on finding their way into Parliament through the great highway of the constitution. When he was told that Burke, and Pitt, and Fox, and other illustrious characters, had owed their introduction into Parliament to the defects in the constitution, he would reply, that it was not for their happiness or glory; no, nor for the public benefit, that they had

owed their entrance to the House to any thing but the free choice of the Commons of England. It happened strangely enough, that all the opinions of Mr. Fox, which some Gentlemen opposite were so fond of quoting, and which Mr. Fox's admirers would wish to forget, were delivered by him at a time when he did not represent the inhabitants of Westminster, but was sitting for a close borough,—when he was a Lord of Admiralty; and, strange recommendation, when he was even by law incapacitated by his youth from voting in that House. He would then, in a few words, reply to that part of Sir C. Wetherell's speech in which he had accused the present Government of having brought forward in their Budget a measure which was a violation of public faith. He must contend then, that the stamp which they had wished to place on the transfer of stock was not a violation of the Acts of Parliament sanctioning the contracts of the Government with the loan-contractors; but supposing, for the sake of argument, that it were, the charge of a violation of faith with the public creditor, came with a very bad grace from those who had reduced the five per cents to three per cents, and had left no option—for though there was a nominal, there was no real option to the trustees of widows and orphans, but to accede to that reduction. Reverting to the subject of the nomination boroughs, he observed, that as the noble Lord had, in language far too complimentary, referred to himself sitting in Parliament for a close borough, he would say a few words on that subject. In the year 1818, he was given to understand that there was a wish that he should be in Parliament. Having heard that there was at that time a vacancy in the town which he had now the honour to represent, he determined to offer himself to the electors. It happened that there was no vacancy. A seat, however, was offered him for the borough of Wareham; and though averse to the system, he confessed with some sense of shame, that he had not had virtue to resist it. He should have respected himself more had he acted on his opinion. On the dissolution in 1820 he was not re-elected for a close Borough, but sought and obtained the suffrages of one of the most enlightened towns of England. And when in 1826 private circumstances prevented him from seeking the same distinction, no close Borough was prepared as an

asylum for him. There was something that an independent spirit could but ill bear; for though he was bound to feelings of gratitude for treatment the most kind and liberal, the sense of uncertainty and dependence on others was fraught with painful feelings. From the very nature of the case, when the point was to be determined, a secret council must sit canvassing your claims and merits, in comparison with others, and disposing of your hopes of public usefulness, without hearing or consulting you. He made no complaint against those who gave him his seat, or withdrew it from him; but when he contrasted his situation as Member for a close Borough, with his situation as member for Nottingham, which he owed to the confidence of thousands, he felt that there was no more comparison to be made between them than between the crumbling walls of Aldborough and the most flourishing town of England. His hon. and learned friend must have undergone the same feelings, when he compared his present seat for that Borough, with the station he formerly owed to his own exertions as representing the City of Oxford. As to the necessity for Reform, he would remind the House that it had the authority of Burke, and Pitt, and Fox, and Lord Chatham in his best and proudest day, that Reform in the House of Commons was absolutely necessary for the preservation of the internal quiet of the country. The remark of Mr. Pitt was equally well known. He had said in 1783, that "without Reform no honest man would be, or could be, a Minister;" and in 1797 Mr. Fox reminded him of that speech, and said, "that Mr. Pitt had lived to carry his own prediction into effect." "Such was his prophecy," said Mr. Fox, "and it has come upon us. What a whimsical fate is his! all his prophecies of success in the conduct of his war are still believed by the House, in spite of repeated failures; but on that point, which his own conduct is daily illustrating, the House obstinately refuses to see that he spoke the truth." Every person acquainted with the works of Mr. Burke—and what man of education was not?—must be aware, that in his celebrated speech for the conciliation of our differences with the American colonies, he had quoted the preamble of the Act of the 27th Henry 8th, by which the power of sending two Knights of the Shire as their Representatives to Parliament, was given to the free-

holders of the county of Chester. Mr. Burke, at the close of his life, the decided enemy to all innovation however simple and necessary, referred to that preamble; still more singular, that Henry 8th, the most arbitrary and despotic monarch that ever sat on the throne of England, should have recognised the value of the Representative system, and its importance in attaching the affections of the people of England to the throne. The preamble to that Act was as follows:—"Whereas, the said county palatine of Chester is and hath been always hitherto exempt, excluded, and separated out and from the High Court of Parliament, to have any Knights and Burgesses within the said Court; by reason whereof the said inhabitants have hitherto sustained manifold disherisons, losses, and damages, as well in their lands, goods, and bodies, as in the good, civil, and politic governance and maintenance of the commonwealth of their said country: and forasmuch as the said inhabitants have always hitherto been bound by the Acts and Statutes made and ordained by the King's Highness and his most noble progenitors, by authority of the said Court, as far forth as other counties, cities, and boroughs, have been, that have had their Knights and Burgesses within the said Court of Parliament, and yet have had neither knight nor burgess there for the said county palatine; the said inhabitants, for lack thereof, have been oftentimes touched and grieved with Acts and Statutes made within the said Court, as well derogatory unto the most ancient jurisdictions, liberties, and privileges of their said county palatine, as prejudicial unto the commonwealth, quietness, rest, and peace, of his Majesty's most bounden subjects inhabiting within the same." The Act provided, that the inhabitants of the county palatine of Chester should for the future return Members to Parliament. It was to that Act that Mr. Burke referred the often-quoted passage from Horace, in this application of which there is more poetical merit, than even in its original composition—

"Simul alba nautis
Stella refulsit."

Which Mr. Burke translated in his own beautiful language—"The day-star of the British Constitution then rose in the hearts of the people, and all was harmony both within and without." It had been thought necessary, however, by some, that peers

should have their interests represented in that House, by Members whom they deputed. If this were so,—why, let him ask, had not every peer and prince of the blood, according to his rank, his acknowledged Representatives there? They might have as many Representatives in that House as they had domestic chaplains in their own houses, if the law allowed them. But the law did not allow this, it was no privilege of peerage, but the mere accident of peers having purchased boroughs open to the money of all men, which gave them so unconstitutional an advantage. He contended that it was in strict accordance with the spirit of the Constitution to take the elective franchise from decayed and corrupted boroughs, and send them to more healthy places. By Mr. Pitt's plan of Parliamentary Reform, as many as forty boroughs would have been got rid of. This had not been forgotten by the Gentlemen on the other side the House, but in recollecting it they had alluded to the compensation which it was then proposed to make to the owners of those boroughs. There was, however, one other thing to be remembered,—namely, that that compensation was a compulsory compensation, and none of the parties concerned could have thought themselves very well treated by being forced to accept the proffered compensation. He contended, that such individuals had no right whatsoever to compensation; for the supposed right was in truth a wrong, a direct infringement of law, and the subject of great punishment. He knew that there were some Gentlemen who thought that the Attorney General ought to be a kind of censor over the Press; but let him tell those hon. Gentlemen, that an Attorney-General might find occupation much more advantageous to the country than proceeding against those whose very violence prevented their doing mischief, and only disgusted the people whom it was their object to excite and to exasperate. There were other violators of the law which were much more dangerous to the public—there were other delinquencies which were more deserving of prosecution. Let them, therefore, hear no more about vested rights; for if a peer chose to interfere, by bargaining and influence, to return Members to the House of Commons, that peer was not only guilty of a gross breach

of the privileges of the House, but subjected himself also to an indictment at law. They had been told, that the people would remonstrate against the measure now proposed by the Government, and it was hinted to the Corporation of the City of London, that the charter of the City might next be destroyed. Was it possible that the Gentlemen who told them this could be sincere?—that they could really believe what they said? If so, let them wait but a little while,—let them see whether the Common-hall which was to meet to-morrow, or the Common Council summoned for Monday,—let them see whether the people who might assemble in various parts of the country, would re-echo the sentiments of the mourners at the funeral of the defunct member for Boroughbridge, and murmur and remonstrate that it was proposed to confer upon them a better system of Representation. A noble Lord had told them, that the proposed measure ought to be brought in, and that it ought to be widely circulated, in order that the people might deliberate and pronounce upon it. There could be no possible objection to this, only let him express his hope, that the noble Lord, and all those who had cheered this sentiment of the noble Lord's, would abide by the result of that experiment. Let him express his hope, that when the people had considered and pronounced upon the measure, those who desired that the people should have the opportunity of doing so, would submit to the decision of the people. Most willingly would he submit the proposed measure to the judgment of the people, most ready would he be to agree that the decision of the people upon it ought to be final. The character of the people of England was well known; and it was not their character to approve and to applaud acts of spoliation and robbery. But it was not by his hon. and learned friend repeating over and over again the words robbery and spoliation, sometimes with violent, and sometimes with humorous accompaniments, that the people of England would be led to reject the measure. His hon. and learned friend had talked about the Members to be presumptuously cashiered, about the right hon. the Paymaster of the Forces exercising military law; had talked of purging the House by violent measures, and had rung the changes on every strong expression by which a reformation of Parliament could be described. But these strong expres-

sions do not alter the nature of things. It was not consistent with the fact to say, that the people of this country had been a happy people for the last century, and that the existing system had worked well for them; the contrary was true; during that time, they had suffered much and severely from measures of that House, which could never have passed into laws if the people had been fairly represented in Parliament. The danger was as great as the mischief. For if peers by an outlay of money could send Members to the House of Commons, as did the Nabob of Arcot fifty years ago, so might any foreign despot hereafter. Then, as to the question which his hon. and learned friend had so chivalrously and triumphantly challenged him to answer,—namely, where any lawyer could find a precedent in support of the measure now proposed. He would say in a word, where he found a precedent; he found it in the measure which passed only two years ago, and which disfranchised half the voters in Ireland. That measure passed through this House with only a very small minority against it, and among that minority he had not been able to find the name of his hon. and learned friend. This answer had been given before the question was put, and his hon. and learned friend hoped to get over it, by applying to the brilliant arguments of the hon. member for Calne the description of nonsense, and that he would nail them by his replies, as a baker nailed a bad shilling to his counter. Now, he must say, that this, though it might be a very lordly, and a very humorous mode of proceeding, was no more convincing or sensible than it was courteous. Much, indeed, had been said by his hon. and learned friend, and by others, about producing a revolution, and about revolutionary measures; but if he thought that this measure was calculated to lead to a revolution, or to produce a convulsion, no man would struggle against it with more zeal and determination than he would. In his conscience, however, he did believe, that it was a measure in strict accordance with the spirit of the Constitution; and that it was almost the only mode of preventing a revolution. They had been told to look at the proceedings which had lately occurred in France, but here also a contrast was mistaken for a resemblance. Instead of looking at the proceedings of the French people with horror, he could consider what they had done only as an act of

justice, and as an act committed in self-defence. He would at once admit, with as much sincerity as he lamented, the fact, that the French people appeared more competent to gain a victory than to improve one, and he was sorry that they had not imitated the example which had been set them by our own countrymen when they effected their permanent, and glorious, and bloodless Revolution of 1688. The revolution in Belgium, which had also been referred to, it was idle to compare with the proceedings of the French people. The revolution in Belgium, he believed to be a wanton and a useless revolution. He would now describe it, as he had done when sitting on the other side of the House, as one which appeared to him justified by no adequate necessity, and polluted from its outset by bloodshed and plunder. He would not detain the House with dwelling upon these topics, which he should not have touched upon had they not been brought forward by others. In taking leave of them, however, he must observe, that, in his opinion, nothing could be more senseless, nothing more irrational, nothing more absolutely absurd, than to compare the measure now submitted to the House on the subject of Reform, either to the revolution in France or to the revolution in Belgium. One observation which had fallen from his hon. and learned friend had, he must say, struck him as being singularly unfair,—but that had been answered by speakers who had preceded him, as, indeed, all his other arguments had been answered,—only the sentences of his hon. and learned friend seemed to have been prepared and moulded for the purpose of delivery, and so they were delivered without reference to the arguments which had answered them by anticipation. The observation to which he alluded, was that which regarded the boroughs which it was not proposed to disfranchise. His hon. and learned friend had asked why Calne, and Tavistock, and other boroughs, were to be allowed to retain their franchise? The answer was plain and obvious, and had already been given—namely, that it was necessary to draw some line of distinction; that if Calne and Tavistock had been on one side that line, they would have been disfranchised; but that, being on the other side the line, they were allowed to retain their franchise. But to retain it how? Not as close corporations, but under a system of fair election. In

their former state these boroughs had returned many great and eminent men to Parliament. Why should they not do so again? Their closeness had had the effect of excluding some, while it had admitted others, but admitted them only by the effect of chance. The noble Duke who had done himself such honour, by returning his right hon. friend (Sir J. Mackintosh) for Knaresborough, could not have been expected to give him the preference over near relations of his own, if such had been the state of his family. It was, then, to this fortuitous circumstance, that his right hon. friend owes a seat among us, in which the inhabitants of Knaresborough would have been proud, under any circumstances, to place him. He knew that he had risen under great disadvantage in coming to the debate after his hon. and learned friend, —whose speech, however, was indebted, for much of its popularity, to the sympathy of hon. Gentlemen, who felt themselves to be much in the same situation with the about-to-be-defunct member for Borough-bridge, as his hon. and learned friend called himself. According to the view of his hon. and learned friend, he would go out of the House a victim of injustice, while he (the Attorney General) was to be ejected like Sir Robert Sawyer, the tyrannical instrument of a profligate and shameful government. He thought it was only on the agitation of debating this important and interesting subject, that his hon. and learned friend had been betrayed into the use of such expressions towards him. For his own part he hoped to retain such a hold on the good opinion of the English people, as would keep him there; but when Boroughbridge had disappeared, he doubted not that the learning and talent of his hon. friend would prepare for him a more constitutional seat. There they would again meet in friendly contest, with different views, but with equal sincerity, maintaining what they believed to be the real interests of their common country.

Mr. G. Bankes moved, that the Debate be adjourned. Motion agreed to.

HOUSE OF LORDS,
Thursday, March 3, 1831.

MINUTES.] Bills. The Twelve Millions Exchequer Bills Bill, and the Bankruptcy Court Bill, were read a third time and passed. The Appropriation Bill, Consolidated Fund Bill, and the Pensions Bill, were read a second time. Returns ordered. On the Motion of Lord CARBERRY, an account of the several Sums advanced for the purpose of making Roads, and other public works in Ireland in the

year 1822, and the subsequent years, up to the present time; specifying the counties in which such works were carried on; the names of the Engineers, under whose direction they were conducted; the amount of money paid to each; the number of miles laid down in the several plans and specifications, distinguishing each, and how far those works have been carried into execution.

Petitions presented. Against the Tithe System, by Lord DURHAM, from Cambridge:—By Lord KING, from Owners and Occupiers of Land, in the Isle of Ely, in the County of Norfolk; from certain places in Lincolnshire; from Dunmore, and the Parish of Kells, in the County of Kilkenny; and from several places in the Counties of Mayo, Limerick, Surrey, Somerset, Devon, and Cornwall. For the Repeal of the Assessed Taxes, by the same noble Lord, from the Ward of Bread-street:—By Lord DURHAM, from St. Paul's, Covent Garden. By the same noble Lord, from Durham, for the Repeal of the Coal Duties. For the Extension of the Galway Franchise, from the Commonalty of Tuam, by the Marquis of LANSDOWN:—From Clare, by the Marquis of CLEVELAND:—From the Protestants of St. Nicholas, Galway, by the Duke of BUCKINGHAM. For Reform, by the Marquis of LANSDOWN, from Chesham:—By Lord KING, from Outwell. For the Repeal of the Union, by the Marquis of LANSDOWN, from Kilskenaghty. By Lord TEYNHAM, from Mr. Fitzpatrick, against the Corporation of Dublin.

NEW CHURCHES.] Lord Dacre presented a Petition from the Rev. Mr. Bliss, Rector of a populous Parish near Chichester, praying that the New Church Building Bill might be so amended, as not to affect his right to the presentation of a new Chapel, built in his parish by a Mr. Baker. The Commissioners under the former Church Building Acts, had given the right of presentation to Mr. Baker, but Mr. Bliss contended that it belonged to him, and had instituted, or was about to institute, proceedings to establish that right; and he was apprehensive that the provisions of the Church Building Bill, now before their Lordships, would interfere with his proceedings.

The Bishop of Chichester observed, that Mr. Baker had complied with the requisites of the Act, and the Commissioners thought they had a right to give him the presentation, and he had acted upon their authority. If he had fallen into an error, it was owing to the Commissioners.

The Bishop of London observed, that the Bill would not in the least affect Mr. Bliss's right, nor interfere with any proceeding of his to establish it.

Petition laid on the Table.

PRIVILEGE.] Lord Farnham called the attention of their Lordships to a subject which affected their privileges. He was unwilling to obtrude upon them anything which concerned himself alone; but as this matter was connected with the subject of their Lordships' privileges, he thought himself bound to lay the matter

before their Lordships. In consequence of the part which he had lately taken in defence of the Archbishop of Dublin, he had received a threatening letter.

Earl Grey moved, that strangers be excluded, and strangers being ordered to withdraw, complaint was made to the House by Lord Farnham, of a letter received by him from Lieutenant Thomas Woodcock, animadverting upon a speech made by his Lordship in the House, on the 21st of February last. A witness being examined to prove the handwriting of the said Lieutenant Woodcock, he was ordered to attend the House on Thursday, the 17th instant, to answer the said complaint.

PARLIAMENTARY REFORM.—[MISAPPLICATION OF PUBLIC MONEY.] On the admission of strangers again into the House,

The Earl of Carnarvon was speaking about a Petition which he had presented from certain Copyholders, praying for Reform in Parliament, and for the extension to them of a share in the Elective Franchise. He had no objection to the presentation of the petition; and their Lordships were aware, that if the measure on the subject of Reform, which had been brought into the other House, should pass, the petitioners would have their wishes fully gratified. They were to have the privilege which they prayed for, under the new Constitution. The plan went to establish a new Constitution; and, if the old Constitution was worn out, and could not stand any longer, and this new Constitution was to be substituted for it, he need say nothing in support of the prayer of the petition, since the case was amply provided for by the new Constitution. He was anxious to make a few observations on the measure in question; but understanding that the noble Baron (Wharncliffe) near him, intended to submit a motion on the subject to their Lordships on Monday, he would reserve what he had to say till that motion should be made, when he could enter upon the discussion in a proper and regular manner. Any observations of his on the subject at present, might be objected to as premature, and, therefore, he would abstain from saying anything, till he could regularly discuss the question.

Earl Grey approved of the course which the noble Earl had taken, in refraining

from an irregular and premature discussion of the subject of Reform, and he would follow the noble Earl's example, and refrain from making any observations on the subject except one, which a remark of the noble Earl, on the plan under the consideration of the other House, justified him in making now. The noble Earl had said, that the plan was a measure, not for the reform of the old Constitution, but for the substitution for the old of an entirely new Constitution. That was the way in which the noble Earl had designated and represented the measure, and against that mode of designating and representing it, he most decidedly protested. That was not the true character of the plan, and when the proper time for the discussion came, he would prove that it was not a measure introducing a new Constitution, but a plan, reverting back to the principle of the old Constitution, from which very material deviations had occurred, from lapse of time, and the introduction of abuses. The object was, to establish the elective franchise on the true ancient principles of the Constitution, and thus to restore to Parliament the confidence of the nation in general. He, in this plan, for which, in conjunction with his colleagues he was responsible, had, in all the changes which he had suggested, kept the principles of the old Constitution steadily in view, and had carefully conformed to these principles, avoiding the formation of anything like a new Constitution. His object had been, to found the alterations made in this plan on the basis of the old Constitution, and restore its principles to their original efficacy, which had been lost or rendered ineffective, by those injurious practices and innovations, which had crept in through lapse of time, and the gradual increase of abuses. Such had been his object, and that of his colleagues in office, and such he maintained was the true character of the measure, as he should be prepared to prove when it came properly under discussion. At present he would refrain from any further observations on the subject.

Lord Wharncliffe was of opinion, that the measure did introduce a new Constitution, and was not calculated to reform the old Constitution, but to establish a new one. He gave notice, that he would move for Returns relative to the population of certain boroughs, with reference to the measure in question.

Lord *Wynford* agreed, that the more proper course was, to abstain from any discussion of the subject at present, nor was it his intention to enter upon it. But he denied that the measure was properly characterised, when it was said, that it was one which reverted to the principles of the ancient Constitution. The principle of the Bill was, to make the right of voting depend on the amount of population. Now, that was not the principle of the old Constitution. By that Constitution, the right of voting was given to the tenants *in capite*, or those who held immediately from the Crown; and it was given to the boroughs, because they paid more than their due proportion of taxes, without reference to their population; and another reason was, that the Members returned for the boroughs might support the Crown against the great Barons. That was the old principle, although now the effect was often the reverse of what was originally intended.

Lord *King* said, that the noble and learned Lord, it appeared, considered the principle of the old Constitution to be, to give the right of voting to the great Lords, who were tenants *in capite* of the Crown. If so, then, in the estimation of the noble and learned Lord, the perfection of the system was to be found in Scotland, where the superiors or tenants, *in capite*, had the monopoly of the right of voting, and where there was no representation that deserved the name; and yet this was what the noble and learned Lord considered to be the principle of the old Constitution of England; and such was the principle which he would wish to establish here. He could not hear these attacks on his Majesty's Ministers, without expressing his most cordial approbation of their measure of Reform, and his respect for and gratitude to them,—a feeling which, he was persuaded, he shared, with the immense majority of the most respectable and substantial part of the community. It was a real constitutional and effective Reform, which restored the right of sending Members of the House of Commons to the people; a right of which they had now for a long time been unjustly deprived. It was a measure of the greatest importance that had been recorded in the history of this country, since the expulsion of James 2nd; and its adoption was essential to the preservation of the liberties of the country; for attempting to trample

on which, the infatuated race of the Stuarts were driven from the throne, and expelled the country. It was a plan which would insure to the country liberty, peace, and safety, and one for which the Ministers deserved the deepest gratitude of the nation. In the quarter of a year in which they had been in office, they had brought forward this great measure of Parliamentary Reform, and they had also brought forward a great measure of Reform in the Law, which no one could have brought forward, except his noble and learned friend on the Woolsack. Nor did their merits stop here; for they had exposed the malversations with respect to the public money which had for some time prevailed in the Admiralty; and there was reason to believe, that they would expose malversations and abuses in the Colonial Department. If these things were not sufficient to entitle them to the gratitude of the country, he did not know how any Ministers had ever been entitled or could be entitled to it.

Lord *Wynford* explained, that he had not said what the noble Baron imputed to him. He had said nothing as to what ought to be done. All that he had said was, that this measure—be it good or bad—was not founded on reverting to the ancient principles of the Constitution.

The Duke of *Wellington* did not mean at present to enter on the discussion of the plan of Reform which had been introduced in another place, but would reserve himself until the subject came regularly before their Lordships, on the motion of the noble Lord near him for the production of papers relative to the population of the boroughs. At present he wished only to say a few words on the charges made against his noble friend, who had been at the head of the Admiralty, in his absence, and when he had no opportunity of justifying himself. There was no man more unlikely to have been guilty of malversation than his noble friend, and it would have been but fair and candid in the noble Baron to have given notice of a motion for the production of documents to support the charge before he made it. If the noble Lord had done that, then there would have been an opportunity of ascertaining precisely how the matter stood, and of explaining that which might appear at first view to be wrong. Unless the noble Baron chose to take that course, these charges, made in the absence

of his noble friend, would better have been avoided. Then the noble Baron said, that there would be an exposure of malversation in the Colonies; but he had better have waited till the present noble Secretary for the Colonies should bring forward that exposure. The fact was, that attempts had been continually made to fasten charges of malversation on the Colonial Department for the last ten years, and they had all utterly failed. The noble Baron ought to bring before the House documentary or other evidence to prove that the charges were well founded, or he ought to abstain from making them at all. As to the measure of Reform now under consideration in another place, he would postpone the observations which he had to make on it till it came regularly under discussion. But he might now call on the Ministers, who had brought forward such a measure on their own responsibility, to explain in what manner they proposed to carry on the monarchical government of this country under the state of things which must be the result of the adoption by Parliament of such a measure as this.

The Duke of *Buckingham* wished to know, whether it was the intention of the noble Secretary for the Colonies to bring forward anything in the shape of charges of malversation against his predecessor in office?

Lord *King* denied, that he had made any charge of malversation against the late Secretary for the Colonial Department. What he had said, or meant to say, was, that abuses existed in the administration of the colonies which would now, as he hoped, be exposed and remedied.

The Duke of *Buckingham* said, that the noble Baron had made use of the word malversation in the affairs of the colonies.

The Duke of *Richmond* said, the noble Baron had explained what he meant, and it was always the rule to take a noble Lord's explanation of his meaning as his real meaning; and the noble Duke's persisting in imputing to the noble Baron an accusation which he said he never meant to make, was unparliamentary.

The Duke of *Buckingham* had only meant to say, that the noble Baron had used the word "malversation;" but it often happened, that in the hurry of debate, expressions were used which conveyed a meaning other than what was intended, and of course the noble Baron's explanation of his meaning was to be

taken as the true one. But then the noble Baron had certainly brought a charge of malversation against the Admiralty, which had better been avoided, in the absence of the late First Lord of the Admiralty, unless the noble Baron was prepared to support it by documentary or other evidence.

Lord *King*: What he meant by malversation was this—that the Admiralty had applied money which had been appropriated by Parliament to one branch of the naval service, to another branch of that service; and that, without giving notice, or rendering an account to Parliament; money which had been put in the estimates for naval stores, and voted by Parliament for that branch of the service, had been applied by the Admiralty to the payment of a greater number of seamen than had been voted by Parliament, and of this no notice was given, nor was any account rendered to Parliament. This he called a misapplication, and malversation in the management of the public money, and the fact had already been sufficiently proved. The noble Duke (Wellington) had said, that he ought to have called for documents, and proved his charge by evidence before he made it. But from that he had refrained, since the subject might, perhaps, come before their Lordships in a much more grave and serious manner, by an impeachment. Had it not been for this, he would have had the highest satisfaction in calling for accounts and documents in support of his charge.

The Duke of *Wellington*, thought, that if the noble Baron was so scrupulous about calling for accounts and documents, he might as well have refrained from making the charge.

Lord *Goderich*, in answer to the noble Duke's (Buckingham) question, stated, that he had no intention to bring forward any charge for malversation in the colonies, otherwise he would have given notice of a motion, and brought forward the charge in the regular way.

The Duke of *Buckingham* said, that was such an answer as might have been expected from the noble Secretary for the Colonies.

Earl *Grey* regretted these topics had been alluded to, and though he had no wish to prolong the discussion, he must say a few words. He could assure their Lordships that there was no intention what-

ever to make any charge against the noble Lord who had been lately at the head of the Admiralty, on account of any malversation in the office. There was no imputation on the character of that noble Lord, who was well known to be a person of the highest integrity and respectability. Nor was there any intention whatever to impute anything improper to the late Secretary for the Colonies. But with regard to the Admiralty, he regretted that there had existed, for a considerable time, a great irregularity in the application of the money voted for the naval service. Occasions might no doubt arise, in which it might be highly expedient to take money from one branch to be applied to another branch, and in which a Minister would be justified in doing so on his own responsibility. But the first opportunity ought to be taken to give notice to Parliament, and to render the accounts to Parliament. For the noble Lord who had been lately at the head of the Admiralty he had the highest respect, and there was no intention whatever to impute to him that he had done anything contrary to what he thought to be his duty. But it was necessary that the irregularity should be put an end to, and for that purpose it was necessary that it should be brought under the notice of Parliament. As to the question put by the noble Duke, about the manner in which the government of this country could be carried on under a state of things which would follow from the adoption of the measure of Reform, he should be prepared to show, when that measure should come regularly under discussion, that the Government could be carried on with a reformed Parliament much more safely and more perfectly than at present; and in order to show this, he should have little more to do than to prove that it was not necessary to the safety, nor to the prosperity, of the monarchy that the Government should be conducted on a system of corruption and patronage.

The Earl of *Haddington* observed, that no man could be more incapable of malversation than the noble Lord who had been lately at the head of the Admiralty. Of this, every one who knew that noble Lord must feel well assured.

Lord *Bexley* had, from the official situations which he had long held, the means of knowing, that when money was voted by Parliament for the naval service, the officer at the head of the department

had been allowed a considerable latitude as to its application to the different branches of that service: whether or not it would be advisable to alter that plan, he was not prepared to say, but he knew that what had been recently complained of in the other House of Parliament was a very old and well-known practice.

Lord *King* wished the sense to be distinctly understood in which he used the word malversation. Certain sums were stated in estimates as required for each branch of the service, and for each branch these sums were voted and appropriated. It had been the practice of the Admiralty to take money from one branch and to apply it to another, in the teeth of the parliamentary appropriation; and that, too, without any notice given or account rendered to Parliament. This was clearly a malversation, and the assumption of a power which it was never the intention of Parliament to intrust to any Minister. It was to express that fact, and no other, that he had used the word.

Earl *Grey* could not concur with the noble Baron (*Bexley*) in the latitude which he seemed inclined to give to the Lords of the Admiralty in the application of the public money. He was aware, as he before stated, that occasions might occur in which it would be necessary or expedient for the Ministers to have recourse to this mode of applying public money. But then they certainly ought to give notice to Parliament, and show that it was proper, under the circumstances, to adopt that course.

Petition laid on the Table.

The Marquis of *Cleveland* had a Petition to present on the subject of Parliamentary Reform, and hoped that their Lordships would indulge him with the liberty of making a few observations on the subject, as they had done to others. He had heard the declaration made by the Ministers, a few days previous to the recess, respecting the course which they meant to pursue on the subject of Reform. The noble Earl at the head of the Ministry had, very soon after his appointment to the situation, explicitly declared his intention to introduce a measure of Reform, and that declaration had been most gratifying to him. The Ministers had made other declarations with which he had been highly gratified, but for the present he confined himself to the declaration as to Reform, which was the subject of this Petition.

Whatever might have been said in another place as to his opinions on the subject, he had all his life been a friend to Reform, and, as his years increased, his sense of the necessity for Reform had increased also. It would be improper and irregular at present to enter upon the discussion of a measure which was under consideration in the other House of Parliament: it was sufficient at present to know that there was such a measure in progress; and he spoke of the question in general, and, so speaking, he gave it as his opinion, that Reform was absolutely necessary, and he would support it with all his power. He was aware, from what had been said in another place, that he might be liable to the suspicion of saying one thing when he meant another. But that was not his way. He had never changed his opinion on this subject. He had always been a friend to Reform, and was so still; and his opinion of the necessity of Reform had only been strengthened by time. He did not mean to say, that he would go the length of approving of the whole of any measure of Reform that might be introduced into Parliament. But the principle of the measure was good, and he would support it as far as the principle was concerned, although he might not approve of it *in toto*. He felt himself in rather a delicate situation from what had passed in the other House; but he repeated, that his opinion in favour of Reform had never changed; and he was anxious to support a measure of Reform brought forward as a Government measure by a responsible Ministry, and the present Ministry had brought forward their measure in the most proper manner, and at the most proper time. The petition which he had to present in favour of Reform was from a very important place, with a population of from 16,000 to 17,000 souls, which ought to have a Representative. It was from the inhabitants of South Shields, in the county of Durham; and while they prayed for Reform, they left it to the Legislature to settle the most proper plan for effecting the object. As for himself, in his notions of Reform, he was neither a Radical Reformer nor an ultra Tory.—The Petition was laid on the Table.

Earl Stanhope presented a Petition from certain Holders of Land at Marden, Kent, praying for a Repeal of the Malt Duties. Alluding to the measure of Reform under consideration in the other House, he ob-

served, that there were some objectionable things in it, but there was also much that deserved approbation, and so far he would support it. He was satisfied that Reform was essentially necessary for the safety of the country and for good Government. He did not agree that it was irregular to allude to what was passing in the other House. On the contrary, he thought that it was regular and proper, and sometimes even necessary. However, as the subject was to be brought regularly before their Lordships on Thursday, he would reserve any observations that he had to make on the measure till that opportunity. The principle, he thought, was incontrovertible; and, in the measure itself, there was much that deserved admiration and applause; but he was of opinion, that it ought in some respects to be altered.

Petition to lie on the Table.

HOUSE OF COMMONS,

Thursday, March 3, 1831.

POPULATION RETURNS OF CITIES AND BOROUGHs.] Lord John Russell moved for “a return of the population in each borough in England and Wales, returning Members to serve in Parliament, of which the population in the year 1821 did not exceed 2,000 souls,—of the number of electors in those boroughs who had polled at the election for those boroughs during the last thirty years, and of the number of persons in them who were rated in 1830 to the inhabited house duty above 10*l.* annually.”

Sir *C. Wetherell* wished to know the noble Lord's object in moving for those returns? Was his motion made with reference to his Parliamentary Reform Bill?

Lord *John Russell*, in answer, said, that the object of his Motion was, to put the House in possession of the fullest information with respect to the actual population of the boroughs and towns which his Bill would affect.

Sir *C. Wetherell* must say, that the course of proceeding adopted by the Cabinet and its Deputy was, from the beginning to the end, most extraordinary, to say the least of it. They brought forward a measure involving the very integrity of the Constitution, in which it menaced the most flagrant breach,—and contrary to all precedent, in the teeth of

common sense, instead of obtaining the necessary preliminary information, first getting knowledge and then acting on it, they, it appeared, asked the House to legislate on what he might call, posthumous information. Why presume to bring in a bill without having first obtained the information necessary to its thorough elucidation?

Mr. *O'Connell* begged leave to remind the hon. and learned Member, first, that the Bill was not yet brought in, and that in the next place, the information was not intended so much to satisfy the minds of the advocates of the measure, as to preclude all random assertions on the part of its opponents.

Lord *Althorp* had not the least expectation that any Gentleman would make any opposition to the present motion. The returns for which his noble friend moved would give no additional information to the House, but they would supply a concise and useful abstract of that which was already upon the Table. The object of his noble friend's motion was, to facilitate the researches of hon. Members, and enable them to ascertain at a glance the population and number of voters in particular places.

Lord *F. L. Gower* said, that if this information were already on the Table of the House, he could see no occasion why the noble Lord should move for its production in another shape.

Lord *John Russell*, in reply to the hon. and learned member for Boroughbridge, said, that if he had moved for the production of this information before he had brought in his Bill, he should have let hon. Gentlemen into the whole secret of his measure.

Mr. *Calcraft* objected to the course which the noble Lord was then taking, and asserted, that it appeared to him, that the noble Lord did not know what his plan of Reform was to be twenty-four hours before he submitted it to the House of Commons.

Sir *C. Wetherell* again protested against the singular conduct of the noble Paymaster, who, after his Bill was brought in, called for information to elucidate it.

Mr. *Stanley* said, that the hon. and learned member for Boroughbridge, and his noble friend near him—the Achilles and Patroclus of the opposite benches, for they now fought under the same shield, and displayed the same banner—might be among the very few Members of that

House who wished this question to be discussed without sufficient information, but there might be others, not quite so learned, either in law or in statistics, who might be anxious to receive the information which the noble Lord now wished to lay on the Table, in a compendious form. He was convinced, that whatever object the hon. and learned Member, and his noble ally, might have in preventing the House from receiving the information now tendered to it, the House would feel, that the more information it received on this subject, the more able would it be to form a judgment on the merits of the Bill of his noble friend, and he would add, to see the beneficial results which must ensue to the country from carrying it into effect.

Lord *Nugent* knew that considerable misapprehension had gone abroad as to the reasons why the boroughs of Calne or Tavistock, and of Knaresborough, were not among the number of boroughs to be disfranchised. The reason why they had not been disfranchised was distinctly stated on the first night of this Debate, by his noble friend near him, and last night by the hon. member for Yorkshire. The returns which were now moved for would set that misapprehension at rest for ever.

Mr. *Goulburn*.—These returns, then, are moved for as an answer to the speech of my hon. and learned friend, the member for Boroughbridge. An observation caused by the speech of the noble Paymaster of the Forces is to be answered and refuted by the production of returns, which but for that observation would never have been produced. The information which these returns are to furnish ought to have been submitted to the House before the Bill was brought in.

Lord *Nugent* said, his observations had been misrepresented by the right hon. Gentleman. He assured him that the returns were not moved for on the grounds which he alleged, but for the purpose of convincing the House and the country that the changes proposed in his noble friend's Bill were founded in justice, and would be a great improvement.

Lord *John Russell* said, that the motion for the production of these returns was not made to answer the observation of the hon. and learned Member as to Calne, Tavistock, and Knaresborough, but simply to place the information already on the Table of the House before the Members in a more accessible form. He begged leave to be

permitted to tell the hon. member for Wareham, that, so far was he from being correct in his assertion that he did not know what his plan of Reform was to be, twenty-four hours before he introduced it, that he was acquainted with it, in all its great outlines, which remained unchanged, so early as the middle of the month of January.

Mr. *Croker* did not rise to object to the Motion. On the contrary, he thought that not only this information, but much more, should be afforded to the House before it ventured to legislate on so important a question. He wished to ask the noble Lord, whether he had any objection to put in a short form upon paper, for the information of hon. Members, the details of the proposition which he had brought into the House? His reason for asking the noble Lord this question was, that he had asked the noble Lord, before he came into the House, for an explanation of one part of his speech, of which there had appeared two versions, and his Lordship, in answer to that question, had told him, that he could not say whether he had stated the matter either in one way or in the other.

Sir *James Graham* said, that if the right hon. Gentleman opposite would only have the patience to wait eight-and-forty hours, he would have the details for which he then asked, in the most authentic shape, namely, in the shape of a printed bill. If the Gentlemen opposite did not oppose the introduction of the Bill, it would be printed as matter of course; and if they did oppose it, then he had no doubt that the House would put down their opposition by a large majority: and in that case, too, the Bill would be printed.

Mr. *Croker*.—I appeal to the House whether that is not a very improper mode of answering my question; and I say therefore—[cries of "*Spoke*."]—

Lord *Howick* said, the only opposition hitherto made, or which could be made, to it, was on general principles, and the returns moved for by his noble friend were intended to elucidate the details, which could not yet come under discussion.

Sir *H. Hardinge* hoped, that the noble Lord would afford the House much additional information on the population of the borough towns of England, before he called upon it to give a solemn decision upon this Bill. He wished to have a return of the number of towns now unrepresented, of which the population exceeded the popu-

lation of Gateshead, South Shields, North Shields, and Sunderland. He observed that six new Representatives were given to the county of Durham, in addition to the four which it returned at present. He therefore hoped to have some information respecting the grounds which existed for making these revolutionary changes. He wished to know whether there were not manufacturing towns of which the population exceeded that of the towns of Gateshead, South Shields, and Sunderland. If so, the House ought to have information on the point, for it appeared to him to be a little too much, that a small county like Durham should have six additional Members.

Mr. *Sadler* was anxious that upon this, as well as upon all other questions which came before the House, the fullest information should be afforded by the production of returns. It was his opinion, that partial information was worse than none. He would therefore have the returns proposed by the noble Lord extend to those boroughs of which the population exceeded 5,000 inhabitants.

Lord *John Russell*.—Those returns have been moved for already, and they are now on the Table of the House, and will be shortly printed.

Mr. *W. Duncombe* wished that a return of the number of electors polled during the last thirty-years for all the cities and boroughs in the kingdom should be laid before the House.

Lord *John Russell*, in reply to the last speaker, said that the returns which would be before the House when his motion was granted would, with those already on the Table, comprise all the details which related to the different cities and boroughs in the United Kingdom.

Mr. *Hume* was surprised at the very extraordinary turn which this discussion had taken. He would acquaint the hon. Gentlemen below him, that the usual rule was, that, if the information given by Government to explain any plan which it brought forward was not sufficient, hon. Members, who wanted further information, moved for it. From what he knew of the noble Lord opposite, and of the strength of the cause which the noble Lord had to advocate, he was quite convinced, that if the hon. member for Boroughbridge, or any other hon. Member should want further information, no objection would be made to affording it.

Sir C. Wetherell said, that he had not objected to the production of these returns. On the contrary, he wanted more information, for he was prepared to charge Government directly with having evinced gross partiality, according to the information which it had already given.

An hon. Member, on the Opposition benches, said, that he rose to congratulate the House on one circumstance, which gave an air of novelty to this discussion—he meant the appearance of a Cabinet Minister to take part in it. He could not help thinking, that the motion for these returns, after the Bill had been brought in, emanated from the same spirit which had displayed itself in the Budget, and which laid it down as a principle, that men ought to legislate first and inquire afterwards. He contended that the noble Lord in moving for these returns now, was acting in perfect consistency with the Government of which he formed a part. He had no objection to the noble Lord's motion.

Mr. Slaney trusted that the House and the country would mark the spirit in which this opposition was made by the hon. members for Aldborough, for Boroughbridge, and for Newark, to the production of returns calculated to elucidate the Bill of the noble Lord, which, be it observed, was not yet brought into Parliament. From the tone and temper which those hon. Members and their friends had exhibited on this occasion, the House might judge of the feelings by which they were actuated. [*Loud cries of "No," from the Opposition, and cheers from the ministerial benches.*] They were objecting to the production of information—to the production of intelligence—and why? Because they feared the light. He hoped that the country would watch closely the manner in which these Gentlemen might hereafter conduct their opposition to the Bill.

Mr. Croker rose, he said, in strict explanation. He must tell the hon. Member who spoke last, that so far from opposing, he had approved the motion of the noble Lord. He had even wanted more information than the noble Lord was inclined to give. He had asked the noble Lord to give him, out of courtesy, some information as to his Bill, and to that request the noble Lord had not acceded.

Mr. Sadler asserted, that he had never objected to the production of further information; on the contrary, it was the very thing he called for.

Mr. John Campbell did not know why the right hon. Member for St. German's (Sir H. Hardinge) should object to the increase of Members for Durham. Each of the towns to which an additional Member was to be given, was an important town and had important interests to defend.

Sir H. Hardinge asserted, that he had not given any opinion as to whether it would be just or unjust to give six new Members to the county of Durham. All that he wanted to see was, whether the increase added to the representation of that county was in proportion to the number of other towns and boroughs not represented.

Sir M. W. Ridley wished to call the attention of the House to the question from which it had wandered, which was simply, whether the returns moved for by his noble friend should be laid on the Table or not. If hon. Gentlemen had looked to the votes of yesterday morning, they would have found that the returns as to the population of each city and borough in England and Scotland, now returning Members to Parliament, and of each city and borough not now returning Members, and of each county in England and Scotland, had been laid upon the Table, and been ordered to be printed. If, then hon. Gentlemen, having waited till they were printed, should find that they did not contain all the information which they wanted, they had only to move for such returns as they wanted, and Government, he had no doubt, would not refuse to grant them. He entreated the House not to continue any longer so desultory a conversation, which could not lead to any practical result, and which might be concluded at once by reference to the papers then on the Table.

Mr. Perceval denied, that those who opposed the measure were the enemies as was said by the hon. member for Shrewsbury, of knowledge and information. That side of the House wanted information, and it was the Ministers who were acting before they possessed it. He would venture to affirm, that the more light was thrown on the measure, the more it would be scouted by all intelligent men in the country.

An hon. Member said, that he would appeal to the recollection of the House, and would ask hon. Members whether the hon. and learned member for Boroughbridge had not risen to object to the production of the information which these

returns would give. What else was to be understood by his sneer at this return as a return which was to produce posthumous information? Ministers, he was sure, were ready to give the hon. Gentlemen opposite every information they might require; for they were willing that the merits of their measure should be fully understood and fairly tried by the country. It was, therefore, a little too bad that the hon. Gentleman opposite, who knew that a measure of Parliamentary Reform was in agitation, and had not asked for any information to explain the extent of our unrepresented population, previously to its being proposed to the House, should now come forward to complain that information had been refused to them for which they had never asked.

Mr. *Hobhouse* could not help calling the attention of the House to an *obiter dictum* of the late right hon. Secretary for Ireland, who had denounced this Bill as introducing into the Constitution revolutionary changes. Though the right hon. Gentleman might think that the Bill had a tendency to produce such changes, unless he was prepared to prove that the changes were revolutionary, he had employed a phrase which ought not to have been used against a measure which was supported by more than half the aristocracy, and the whole of the people in this empire. He thought that more cautious terms ought to have been employed by a Gentleman who enjoyed so much of the personal respect and esteem of the House, on account of his high character. Language, coming from him, produced an effect, which it would not produce coming from an ordinary person, for every one knew that the sentiments which the right hon. Gentleman expressed he also felt. He was surprised that the right hon. Gentleman should have used language which in his cooler moments he must condemn.

Sir *Henry Hardinge* said, that after the personal allusion which had been made to him by the hon. member for Westminster, for his use of the term revolutionary changes, he trusted that the House would bear with him for a few minutes. He would now deliberately repeat, that this measure, in its tendency, was most revolutionary, and he would further add, that when it suited the convenience of the House, and it pleased the House to listen to him, he should be prepared with proof to make good his assertion, that it was

most revolutionary. "I say," continued the gallant Member, "that it is calculated to pull the Crown off the King's head, and I do hope that, if leave should be given to introduce this Bill, the noble Lord will, before we come to the second reading of it, introduce a clause by which the House of Lords may be passed by, in order that the Peers may not irritate the country by the rejection of it."

Sir *George Warrender* objected to this measure as much as any man, but thought that all intemperate language should be avoided in opposing it. Intemperance of language would not produce in the public mind that resistance to this measure which he still hoped to see generated against it. As to the noble Lord's Motion, it seemed to him a matter of course, and he was not prepared to oppose it.

The question was then put, when

Mr. *W. Duncombe* rose to move an Amendment, when the Speaker told him, that as he had already spoken, he was not competent to do so.

Mr. *Baring* rose to move an Amendment, of which the substance was for similar returns of the Population, &c. of all Boroughs containing more than 4,000 inhabitants.

Sir *C. Wetherell* seconded the Amendment, because he wished to promote every means for gaining information on this important subject.

Mr. *W. Duncombe* wished to have 7,000 substituted in the Amendment, instead of 4,000.

Mr. *Keith Douglas* said, that he should move for the production of returns of each of the boroughs in the southern parts of Scotland.

Lord *John Russell* said, that if such a motion were made, no objection would be offered to it on his side of the House. As to the Amendment moved by the hon. member for Taunton, the information which it called for was already before the House. If he wished to have it in the same paper with the returns for which he (Lord John Russell) had moved, to that also there would be no objection.

Sir *Henry Hardinge* said, that he hoped that the noble Lord would have no objection to state the population of the different boroughs to which the elective franchise was to be transferred, and the population of those towns, if any, which exceeded them.

Lord *John Russell* said, that if the gal-

lant officer would bring down his Motion in writing,—for at present he did not perfectly understand it,—he had no doubt that it would not be opposed.

Mr. *K. Douglas* begged to move as an Amendment the following words—“And a similar return respecting all boroughs in Scotland.”

Mr. *Kennedy* did not rise to oppose the Amendment, but he thought it would be necessary to alter the words of it. In Scotland the word “borough” often meant only a small part of the town, and would frequently include only one-third of the population of the town.

Mr. *F. Baring* said, that that observation was equally applicable to many English boroughs, and he trusted that the noble Lord would not overlook that fact in wording his Motion.

Mr. *S. Wortley* must suggest to hon. Members the propriety of their taking the trouble to put their motions into writing. The time of the House, especially at this moment, might be much more profitably employed than in discussing in what terms returns ought to be made out.

Mr. *K. Douglas* would alter his Amendment thus:—“And a similar return respecting all royal burghs in Scotland.”

The Motion, with the several Amendments, above proposed, was then put and agreed to.

MINISTERIAL PLAN OF PARLIAMENTARY REFORM—ADJOURNED DEBATE, THIRD DAY.] The Order of the Day for resuming this Debate having been read,

Mr. *G. Bankes* addressed the House. He could not help observing to what a singular situation the Ministers had reduced themselves, the House, and the country, by the inviolable secrecy which they had so unaccountably thought it their duty to observe with regard to this measure. If the measure were so popular as they asserted it to be, wherein could have consisted the necessity of this inviolable secrecy? If the measure were so popular, what had they seen to fear? What danger did they expect to avoid, what object did they propose to serve, what advantage did they hope to gain, that they had had recourse to this unusual contrivance of secrecy? After two days' discussion, the noble Lord who had introduced the measure came forward to call for other information, thereby clearly demonstrating that he had not even provided

himself with those materials which were to guide the judgment of the House. In doing this, the noble Lord had, he thought, behaved rather ungratefully to the noble Lord, the member for Aylesbury (Lord Nugent). That noble Lord offered almost the only excuse that could be offered for the demand for this information, by saying, that the able speech of the hon. and learned member for Boroughbridge had touched upon points which required an answer, and that the returns now moved for were to be part of that answer. But “No,” said the noble Lord, the member for Tavistock (Lord J. Russell), “that’s a mistake; my noble friend is wrong:

‘Non tali auxilio, non defensoribus istis’—

I do not call for the returns for any such purpose, but for another purpose; and I did not ask for them before, because, if I had, I should have let out part of my secret.” Now this, he must say, struck him as being a little ungrateful, and he thought that the noble Lord, the member for Aylesbury, would be careful how he again lent a helping hand to a friend in a scrape. The noble Lord (the member for Tavistock) had said,—“I know that neither you nor I had the necessary information; but then it was necessary that we should keep our secret.” Their secret! What, he would ask, did the people care about their secret? A right hon. friend of his, on his side the House, had attempted another excuse for the noble Lord in this matter; but here again mark the ingratitude of human nature. His right hon. friend had said—“Perhaps the noble Lord had not been long acquainted with the nature of this plan of Reform;” but the noble Lord, scorning to accept assistance either from friend or foe, replied, “That’s not the case; I have been acquainted with the plan ever since January last.” Now the House had not objected to grant these returns; but the complaint—not a very unreasonable one—was, that the noble Lord had called for them too late, so late, indeed, that the discussion of the measure must be very far proceeded with before they could be procured. He repeated, that this was not a very unreasonable complaint, and he did, therefore, think it very hard that they should have been taunted by the First Lord of the Admiralty in language which meant neither more nor less than that they were irrational and absurd for complaining of the want of such information as was necessary to facilitate their under-

standing a measure which had taken the House and the country by surprise, and which had been intended to take them by surprise. With the exception of the speeches of two noble Lords opposite, they had heard no speech in support of this measure, the basis and the argument of which had not been intimidation. Now, although he was one of the proscribed Members under this uncompromising plan, still he felt that he should be no better than a coward if he were deterred from the expression of his opinions by menaces like these. The speech of the learned Attorney General, who, rising at so late an hour, was not listened to with that attention which his eloquence ought always to command, was, he must say, as nothing when compared with the able and excellent speech of the hon. and learned member for Boroughbridge. The learned Attorney General had professed, that he felt himself called upon to answer the vigorous and manly speech of the hon. and learned member for Boroughbridge; but making every allowance for the confusion which prevailed in the House during parts of the Attorney General's speech, still, in his opinion, that speech was no answer to the speech which it professed to refute. Before he noticed the arguments of the Attorney General, he would, with the permission of the House, glance at those of the hon. members for Middlesex (Mr. Hume) and for Preston (Mr. Hunt). The hon. member for Middlesex had said, that he was a professed and uncompromising radical reformer; and that, as such, he hailed and received this measure in his own name, and in that of other radical reformers, who either were or ought to be satisfied with it, because it went far beyond the expectations of all of them. But the hon. member for Middlesex had, in another part of his speech, clearly indicated that he was satisfied with this measure only for the present, and that he thought Reform ought to be carried further. The hon. Member would hardly repudiate his paraphrase of the hon. Member's expressions, when he said, that the hon. Member had given them to understand, that he looked upon the proposed measure as only the beginning of Reform; that he received it as a first instalment, or payment on account. The hon. member for Preston, too, was astonished at the measure: it had gone far beyond his expectations, though he also was a radical re-

former. Between Members of all parties and sects there would always be some difference, and between the hon. member for Middlesex and the hon. member for Preston, though both radical reformers, he thought he saw the difference between the aristocracy and the democracy of radicalism. Thus the hon. member for Preston had said, "I don't approve of the measure: oh no! I can't go quite so far as that; but, considering that it comes from Ministers of the Crown, I do confess that it is a very astonishing measure, and far surpasses all my expectations." The hon. member for Preston said, that he had always been used to speak out, and certainly, to do the hon. Member justice, he did not depart from his custom last night. The hon. Member had told them, that as to such a measure of Reform, without other measures, stopping bloodshed and revolution, it would do no such thing; and, therefore, observed the hon. member for Preston, addressing himself to the hon. member for Calne (Mr. Macauley), "your speech is nothing to me." Now he must be allowed to say, that, in choosing between the opinion of the hon. member for Middlesex, and that of the hon. member for Preston, he preferred the latter; because the hon. member for Preston had mixed more with a certain class of the people. Depending, therefore, upon the authority of the hon. member for Preston, he begged to congratulate some hon. Members, and to remind others that they were not now legislating upon this subject with bludgeons and knives at their throats. This the hon. member for Preston had admitted. Now, although some of the right hon. Gentlemen opposite might not have departed from their former opinions, yet the opinions of others of them had undergone so remarkable a change on the subject of Reform, that it seemed impossible that that change could have been produced by anything short of the fear of imminent and impending danger. It was a consolation, therefore, to hear from the hon. member for Preston, that they had time for deliberation; it was a consolation to receive from him, who called himself the Member for the people, the assurance that the danger was not so imminent now as it was seventeen years ago. There was another power which had been alluded to, a power which he admitted was a very formidable one; and which he admitted also to be a weapon in the hands

of Reformers, which was gaining force and importance every day, he meant the power of the Press. He was aware that there was no avoiding that power; he was aware that whatever the Members said or did, even in the most privileged places, they were all, from the highest to the lowest, amenable to that tremendous power. He did not complain of that power, he acknowledged it; and all that he would say in seeming rebellion to it was, that he would not succumb to it where his conscience told him he ought to resist it, and that he would not abandon at its dictation those opinions which his duty taught him to adhere to. Tremendous as that power was, wide and fearful as he acknowledged its influence to be, still he would not shrink from the expression of his opinions through the fear of it. Reverting to the measure under discussion, allow him to observe, that it had not only been introduced under the extraordinary circumstances to which he had already alluded, but that it had been accompanied also by another equally extraordinary. In a manner the most unconstitutional they had been told that the measure had been introduced with the sanction of the Sovereign. The noble Lord (Ebrington) who had introduced that topic last night, had been told by the Speaker, not only that it was improper, but that it was unnecessary, for that the right hon. Gentlemen opposite being Ministers of the Crown, and as Ministers of the Crown might be dismissed at the Royal pleasure, it must be taken for granted that any measure introduced by them was introduced with the sanction of the Sovereign.

The *Speaker*.—No; I did not say with the “sanction,” but with the “cognizance,” of the Sovereign.

Mr. *G. Bankes* continued. Besides his introduction of the name of the Sovereign, they had been threatened with a dissolution; so that, in fact, by coupling the two, this plain inference came out—“The King says you must pass it; for he approves it; and if you refuse it, he will dissolve you.” He did not mean to say that it was intended to hold this language; but he must contend, that what they had been told amounted in effect to nothing short of it. The noble Lord, who had been called to order last night, had excused himself on the ground that a Minister of the Crown, in another place, had said, that the measure had received the sanction of the Sovereign;

but then the noble Lord should have recollected that that Minister did not accompany that intimation with the threat of a dissolution. He contended that the precedent was a most unfortunate one, for the present Government to introduce a Bill of this description, and then to state the consequences which would follow its rejection. The arguments which had been so effectually urged last night by his hon. and learned friend, the member for Boroughbridge, regarding the taking away of corporate rights, had been received by the House with that attention which they deserved, and he had not heard from the Attorney General, who had attempted to answer that learned Member, a single argument against the position which his hon. and learned friend had taken upon that point. He had not heard a single precedent, bad or good, produced for this spoliation of corporate rights, except that which had been mentioned by the hon. member for Newport, who had spoken on that side of the House, and who had alluded to the taking away of the charters of the corporations in the time of James 2nd, as the only analogous precedent which our history furnished for such a measure as this. The learned Attorney General had said, that that was not a case in point; but it was not described exactly as such. It was spoken of in the Bill of Rights as one of the greatest abuses, and one of those which had called for the intervention of the Legislature to save the Constitution of the country, by taking the Crown from the head of an unworthy King. The objection to the proposition with regard to the corporations did not lie against the opening of corporations, but against the taking away one or two Members from them. Did not such a proposition as that deserve the epithets which had been applied to it, and was it not truly described when characterized as a spoliation and robbery? The learned Attorney General had referred to the plan of Reform which had been introduced into Parliament by Oliver Cromwell, and had stated, that Lord Clarendon had given it as his opinion, that it was one which was well worthy of imitation by other parties. Now let them but just see how that plan of Reform had worked. It was only two years since that part of our Parliamentary Debates had been recovered, and they had been since published, giving us an account of what had occurred in this

reformed Parliament of Cromwell. A perusal of them would satisfy any one that their loss altogether would not have been a very great one, for everything that was absurd, and futile, and ridiculous, it would appear from those Debates, had taken place in this reformed Parliament. As a test, however, of the merits of this reformed Parliament, he should quote to the House the opinion of the parent of the measure, after he had tried it by experiment. He should read a short extract from the speech of the Protector Cromwell, on dissolving this Parliament. His words were as follow:—"My Lords, and Gentlemen of the House of Commons, I had very comfortable expectations that God would make the meeting of this Parliament a blessing; and the Lord be my witness, I desired the carrying on the affairs of the nation to these ends. Having proceeded upon these terms, and finding such a spirit as is too much predominant, every thing being too high or too low, where virtue, honesty, piety and justice are omitted, I thought I had been doing that which was my duty, and thought it would have satisfied you; but if every thing must be too high or too low, you are not to be satisfied. You have not only disjoined yourselves, but the whole nation, which is in the likelihood of running into more confusion in these fifteen or sixteen days that you have sat, than it hath been from the rising of the last session to this day. And if this be the end of your sitting, and if this be your carriage, I think it high time that an end be put to your sitting, and I do dissolve this Parliament, and let God judge between me and you." That was the Parliament which had been reformed and amended on the plan which had been praised by the hon. Gentleman opposite, the Attorney General. Cromwell had given that Parliament two trials—in the first instance of five months, and in the second of sixteen days, at the end of which he dissolved it, with the speech from which he had read those extracts, conveying the opinion which the Protector entertained of a Parliament which had been formed upon what had been called by the Attorney-General "the best conservative principle." He was ready to maintain the justice of the epithet which had been applied to this measure by the gallant Member on his side of the House, who had properly called it a "revolutionary" measure. He would quote, in support of that opinion,

an authority which he was sure would be received with respect in that House,—he meant the authority of the late Mr. Huskisson. He would read to the House an extract from a speech of that able man, delivered in that House in the course of the last session of Parliament, and in doing so he begged particularly for the attention of the noble Lord, the member for the University of Cambridge, and of the hon. member for Montgomery. In alluding to those general and sweeping measures of Reform, resembling that which had now been brought forward by the noble Lord opposite, Mr. Huskisson delivered his sentiments in the following emphatic terms. He would quote from *Hansard's Parliamentary Debates*, the following passage from a speech delivered by the late Mr. Huskisson, in the House of Commons, on the 23rd of February, 1830:—"As to a more extensive Parliamentary Reform, a measure founded upon the principle of a general revision, reconstruction, and remodelling, of our present Constitution,—to such a general revision and change of our Constitution, he (Mr. Huskisson) had been always opposed; and while he had a seat in that House, he should give it his most decided opposition. He conceived, that if such an extensive Reform were effected, they might go on for two or three sessions, in good and easy times, and such a reformed Parliament might adapt itself to our mode of government, and the ordinary concerns of the country; but if such an extensive change were effected in the constitution of Parliament, sure he was, that whenever an occasion arose of great popular excitement or reaction, the consequence would be, a total subversion of our Constitution, followed by complete confusion and anarchy, terminating first in the tyranny of a fierce democracy, and then in that of a military despotism, these two great calamities maintaining that natural order of succession which they have been always hitherto seen to observe."* That authority sufficiently bore out his gallant friend in designating this as a revolutionary measure. Not more than twelve months ago, Mr. Huskisson had denounced, in the strong and emphatic language to which he had referred, any measure of such a description. Such

measures were so denounced by a man who belonged not to the aristocracy of the country, who had sprung himself from the people, and who felt with them and for them. With the weight of such an authority against them, even those who had been always friendly to such measures should pause and reflect before they urged them forward; but that the political associates of Mr. Huskisson—that the men who had been bred up under him, and who held the principles which had been held by him—should, so soon after his death, be parties to the introduction of such a measure as the present, was certainly a most extraordinary and unaccountable fact. The learned Gentleman opposite (the Attorney General) had referred to the early speeches of Mr. Pitt for opinions which he had expressed in favour of Parliamentary Reform, but he (Mr. Bankes) would prefer to quote from the latter speeches of that powerful and eloquent man, at a period when his judgment was matured by age and experience. He would refer the House to the speech which Mr. Pitt made upon the Irish Union. If there were one measure more than another upon which that illustrious statesman desired to rest his fame, and which he was anxious should be his memorial with posterity, it was the great and difficult measure of the legislative union between the two countries. They would see how, upon that occasion, he expressed himself with regard to Reform. Having been taunted in the course of the debate with the opinions which he had held in his early days upon that question, Mr. Pitt delivered the sentiments which he would then read to the House. “It would not, perhaps, be necessary for me to say anything more upon this topic (Reform); yet knowing, Sir, how strong some opinions are on the subject, and knowing the share I formerly had myself in sentiments of that nature, I must declare that I do not wish to avoid the discussion, I rather desire to disclose my most secret thoughts upon the question of Reform, as I do not think myself authorised, from a firm conviction of their purity and justice, to decline any investigation upon that topic, respecting which I did once entertain a different opinion.”—“As I do not wish to have the least reserve with the House, I must say, that if anything could throw a doubt upon the question of Union—if anything could, in my mind, counterbalance the advantages that must

result from it—it would be the necessity of disturbing the Representation of England; but that necessity fortunately does not exist. Seeing all that I have seen since the period when I entertained a different opinion—seeing, that where the greatest changes have taken place, the most dreadful consequences have ensued, and which have not been confined to that country where the change took place, but have spread their malignant influence in almost every quarter of the globe, and shaken the fabric of every Government; seeing that, in this general shock, the Constitution of Great Britain has alone remained pure and untouched in its vital principles: when I see, that it has resisted all the efforts of Jacobinism, sheltering itself under the pretence of a love of liberty: when I see, that it has supported itself against the open attacks of its enemies, and against the more dangerous Reforms of its professed friends;—I say, Sir, when I consider all these circumstances, I should be ashamed of myself if any former opinions of mine could now induce me to think that the form of Representation which, in such times as the present, has been found amply sufficient for the purpose of protecting the interests and securing the happiness of the people, should be disturbed from any love of experiment, or any predilection for theory. Upon this subject, Sir, I think it right to state the inmost thoughts of my mind; I think it right to declare my most decided opinion, that even if the times were proper for experiments, any change in such a Constitution must be considered as an evil.”* He trusted that he had said enough to satisfy the hon. member for Westminster that he was not unable to fulfil his promise to bring forward great authorities for the principles which he advocated on this question, and that he was therefore justified, without incurring the censure of that hon. Member in considering and describing this as a revolutionary measure.

Mr. *Hobhouse* thought, that after the personal call which had been made upon him by his learned friend, he was somewhat justified in taking the first opportunity to address the House. Notwithstanding the able address which had been just delivered by his learned friend, and notwithstanding the confident and powerful tone in which he had addressed himself to

* Pitt's Speeches, vol. iii, p. 76, 77.

the House, and in the latter part of his speech to him, he thought that he should be able to show, from as good an authority as his hon. and learned friend's—for the authority to which he meant to refer was the same as had been referred to by his hon. friend, namely, the authority of Mr. Pitt,—he thought he should be able, he said, to show from that authority, that the right hon. Gentleman (Sir H. Hardinge) was not justified in calling the measure which had been brought forward by his Majesty's Ministers a revolutionary measure. When the present measure was first brought forward by the noble Lord opposite on Tuesday night, sitting as he did in that region of the House [the Opposition benches], which had been his abode from his first entrance into Parliament up to the present moment, he could not help observing, with astonishment, (and in making the disclosure he supposed he did not commit any breach of confidence, or violate what was due to proper privacy) not the indignation, but the delight, with which the proposition of the noble Lord, as he unfolded it to the House, was received by the hon. Members who sat around him. Those hon. Members well knew what were dangerous subjects to propose; they had themselves experience in that way, and they viewed the proposition of the noble Lord as one calculated to drive out the present Ministers, and replace themselves in their former situations. They appeared then to think that the day was not distant when they were to regain their old places, and when his friends opposite would be sent back to that side of the House, to advocate still, but with less chance of success, the rights of the people. In the conversations which passed amongst those hon. Members, while the noble Lord (John Russell) was explaining the features of the Bill, he (Mr. Hobhouse) heard nothing about the measure being a revolutionary one; he heard nothing from any one of them but the language of congratulation. Since, however, that measure had been denounced by his hon. friend, the member for Corfe Castle, as a revolutionary measure, it had been also denounced by the hon. and learned member for Boroughbridge; and the hon. Baronet, the Representative for the University of Oxford, had shadowed it out as something almost as bad as the murder of Charles 1st. He had heard much abuse levelled against this measure, but he begged to remark, that

in the way of argument, or proofs, or documents, he had heard nothing urged against the proposition of his noble friend opposite. Nothing had been adduced to prove that if this Bill passed, the people of England would lose their constitutional rights,—that the Monarchy would be destroyed,—and that the three estates of the realm—the King, Lords, and Commons—would cease to exist. To listen to the language which had been employed by some of those who opposed this measure, one would think that these, if not more dreadful consequences, would result from this Bill; but where were the proofs to substantiate such absurd assertions? His hon. friend, the member for Corfe Castle, had adverted to the authority of Mr. Huskisson. He did not mean to undervalue the authority of Mr. Huskisson, and, indeed, for some time previous to the death of that Statesman, he believed that he was more inclined to pay attention to the authority of Mr. Huskisson in his parliamentary proceedings, than his hon. and learned friend was. In Mr. Huskisson's opinions, however, upon Parliamentary Reform, he had never participated. He had never been the disciple of Mr. Huskisson; and if his hon. friend meant to convey a sarcasm in turning towards him, when he quoted the authority of Mr. Huskisson, it was a rather waggish mode of attacking some of the right hon. Gentlemen opposite. As to the authority of Mr. Huskisson, therefore, on this subject, he (Mr. Hobhouse) begged to say, with all due respect, that it was no authority for him. His hon. friend had also quoted the authority of Mr. Pitt; he had quoted from one of the most distinguished speeches that that marvellous man had ever made—he alluded to the speech pronounced by Mr. Pitt on the 31st of January, 1799, on the subject of the Legislative Union. Now, in answering his hon. friend, he thought, that he could also produce a most complete answer from the lips of that same great man, to the learning as well as the law with which the House had been favoured by the hon. and learned member for Boroughbridge. What did Mr. Pitt say as to the right of the Parliament of England and Ireland, to take away corporate rights, and to disfranchise such boroughs as it might think fit? Let the House mark the masterly and overpowering manner in which he disposed of the trumpery precedent which was then set up as it had

been now, that the Parliament of the country had no right to alter the Representation of the country,—that it was a fundamental principle of the Constitution, that the Legislature could not entertain the question as to the disfranchisement of boroughs, and the taking away of corporate rights, unless in cases where delinquency had been proved. What was Mr. Pitt's answer on that occasion to such arguments? He should read it to the House from his speech upon the Union. He might, in passing, remark that he could not possibly divine, while looking into Mr. Pitt's speeches, that morning, for the extract which he was about to read, that he and his hon. friend, the member for Corfe Castle, should be poaching on the same manor, and that they should have gone to the same speeches for their authority. The decisive passage which he should quote from Mr. Pitt would settle, as far as authority could settle anything, the arguments which had been put forward last night by the hon. and learned member for Boroughbridge on this point, and which, indeed, had been already tolerably well disposed of by the Attorney General. And in quoting that passage he would beg to say, that though Mr. Pitt might not have been as learned in the subtleties and difficulties of the law, as the hon. member for Boroughbridge, he was at least as high an authority in a matter connected with English history and the principles of constitutional government. The following was the opinion of Mr. Pitt on this subject:—"If this principle, of the incompetency of Parliament to the decision of the measure, be admitted, or if it be contended that Parliament has no legitimate authority to discuss and decide upon it, you will be driven to the necessity of recognizing a principle, the most dangerous that ever was adopted in any civilized state. I mean the principle, that Parliament cannot adopt any measure new in its nature, and of great importance, without appealing to the constituent and delegating authority for directions. If that doctrine be true, look to what an extent it will carry you. If such an argument could be set up and maintained, you acted without any legitimate authority when you created the Representation of the Principality of Wales, or of either of the counties palatine of England. Every law that Parliament ever made, without that appeal, either as to its own

frame and constitution, as to the qualification of the electors or the elected, as to the great and fundamental point of the succession to the Crown, was a breach of treaty, and an act of usurpation. If we turn to Ireland itself, what do Gentlemen think of the power of that Parliament which, without any fresh delegation from its Protestant constituents, associates to itself all the Catholic electors, and thus destroys a fundamental distinction on which it was formed? God forbid that I should object to or blame any of these measures. I am only stating the extent to which the principle, that Parliament has no authority to decide upon the present measure, will lead; and if it be admitted in one case, it must be admitted in all. Will any man say, that (although a Protestant Parliament in Ireland, chosen exclusively by Protestant constituents, has, by its own inherent power, and without consulting those constituents, admitted and comprehended the Catholics who were till then, in fact, a separate community) that Parliament cannot associate itself with another Protestant community, represented by a Protestant Parliament, having one interest with itself, and similar in its laws, its constitution, and its established religion? What must be said by those who have at any time been friends to any plan of Parliamentary Reform, and particularly such as have been most recently brought forward, either in Great Britain or Ireland? Whatever may have been thought of the propriety of the measure, I never heard any doubt of the competency of Parliament to consider and discuss it. Yet I defy any man to maintain the principle of those plans, without contending that, as a Member of Parliament, he possesses a right to concur in disfranchising those who sent him to Parliament, and to select others, by whom he was not elected, in their stead."* Having read that extract, he should suppose that they had now completely done with the arguments about corporation robbery, and about the incompetency of Parliament to deal with corporate franchises. There was authority for the hon. and learned member for Boroughbridge, and he hoped that the House would hear no more of the present measure being a corporation robbery, and opposed to the law of the land. Mr. Pitt was not, indeed, a Special Pleader

* Hansard's Parl. Hist. vol. xxxiv, pp. 280—283.

he was not the first man at the Chancery Bar: with respect to the details of Chancery practice, he would not place the authority of Mr. Pitt in competition with that of the hon. member for Boroughbridge; but Mr. Pitt knew something of constitutional law, and did not think that there was any thing illegal in the disfranchisement of corporate boroughs, or that such a proceeding on the part of Parliament could be looked upon as an act of spoliation and robbery. Mr. Pitt still more strongly expressed himself against the principle insisted upon by the learned member for Boroughbridge, in the passage immediately succeeding that which he (Mr. Hobhouse) had quoted. "I am sure," continued Mr. Pitt "that no sufficient distinction, in point of principle, can be successfully maintained for a single moment; nor should I deem it necessary to dwell upon this point in the manner I do, were I not convinced that it is connected, in part, with all those false and dangerous notions on the subject of government which have lately become too prevalent in the world. It may, in fact, be traced to that gross perversion of the principles of all political society which rests on the supposition that there exists continually in every government a sovereignty in abeyance (as it were) on the part of the people; ready to be called forth on every occasion, or rather on every pretence, when it may suit the purposes of party or faction, who are the advocates of this doctrine, to support an occasion for its exertion." Mr. Pitt further said, "that this false and dangerous mockery of the sovereignty of the people is in truth one of the chief elements of Jacobinism, one of the most favourite impostures to mislead the understanding, and to flatter and inflame the passions of the mass of mankind." It was thus that Mr. Pitt disposed of the principle, that Parliament was not authorised to touch the charters of towns or the representation of the people under the idea that they had an authority superior to that of Parliament; so that it would be found that he was travelling to the same constitutional end as his hon. friend, only it happened that they were going by different roads. His learned and hon. friend had fallen into the unfortunate trap that had been laid for him by the hon. member for Boroughbridge, with respect to the Parliament in the days of Oliver Cromwell. He had warned the

learned ex-Attorney-general last night of his error, but there were some Gentlemen that would not take advice, and least of all from an enemy. If his learned friend had only extended his reading of Mr. Pitt's speech, he would not have quoted a portion of that celebrated harangue; so if the hon. and learned ex-Attorney-general had only consulted history before he quoted it, he would hardly have referred to the conduct of Cromwell. If he had only looked into a page of Hume, — certainly a very popular and commonly read author, — he would have found a full and accurate statement, why Oliver Cromwell dismissed the Parliament after the short space of eighteen days. So far from the learned and hon. Gentleman's assertion being founded in truth, he would have learned from the historian, that Cromwell dismissed that Parliament for the very reasons for which some of those who heard him would wish to have just such a Parliament now. It was because he found by their proceedings that the Parliament completely represented the people of England, and was swayed by the public voice, and influenced by the good of the country. What was it that Parliament did? As Hume said, these very intemperate popular gentlemen did not want to flatter the government of the Protector, but they wished to begin to pull to pieces the instrument of government, and Cromwell in his Privy Council said, that although they were called together to consult for the good of the country, they forgot the authority by which they were called together, and that therefore they should sit no longer. This was because they really were the Representatives of the people of England, and had the good of the people at heart—they were the Representatives whom Lord Clarendon said, were worthy of more warrantable authority, and deserving of better times—they were, in fact, Representatives whom Cromwell's sagacity at once saw were totally incompatible with tyranny. No man better knew how to speak lucidly and forcibly than Cromwell, when he found it necessary, and wished to be understood; and, on the contrary, no man knew better how to involve a speech or perplex a subject—not even the hon. and learned member for Boroughbridge, when he had any thing to conceal. This was the declared and open reason why Cromwell dissolved this Parliament; and this was the reason

of Clarendon's giving such an opinion of that assembly. The Parliament was fit for the people of England, but not fit for the purposes of Cromwell. That it was a popular Parliament, a Parliament solely and entirely for the people, Cromwell soon found out; and in eighteen days he pronounced it to be an unmanageable assembly. It was just such a Parliament as the bill proposed by the noble Lord was intended to create. Had Cromwell lived in these times, it would have been quite another thing. He would have found out the modern secret of managing a Parliament. He would have gone on allowing the pleasing contention of parties, with sometimes one set of gentlemen in office, and sometimes another set of gentlemen out of office, whilst the people and their interests were left out of consideration. The learned and hon. member for Boroughbridge was excessively jocose on the preceding evening, and possessing a due admiration of the learned Member's talents, he must say, that he had never passed a happier hour in his life than during the learned Gentleman's speech. The learned Gentleman had talked to the House about Oliver Cromwell's and Pride's purge, and tried to saddle the term upon the present noble Lord, the Paymaster of his Majesty's Forces. It had not, however, been convenient to the learned Gentleman to consider what the Parliament really was that Pride had applied his medicine to, and he had talked of it as the regicide Parliament. The hon. member for Oxford (Sir H. Inglis), had claimed a sort of privilege of making an *ex officio* blunder upon the occasion, and had indulged himself in a mutilation of the History of England, as the University of Oxford itself had done before now. The hon. member for Oxford had said, that if ever the country had had a popular Parliament, a popular House of Commons, it was that which ended in murdering the King. Now this, he conceived was not the time to talk thus of crowned heads, dead or living, for they had enough to do to keep their stations without further endangering their position. [*cheers.*] He spoke advisedly. He was fully aware of what he had said. The reason why he had objected to the words of the hon. Member was, because he thought that the error ought to be contradicted, and it might be contradicted with all the good humour of the hon. member for Boroughbridge, who

at another time might, without great mischief, enter again into the discussion. If he had been aware of the cheer, he should say the same thing again. It was not the time when it was necessary to slur over what tended to detract from those unfortunate men who were placed by birth, or other circumstances, upon thrones. He might, had he been disposed to quibble or be captious, have quarrelled with the hon. Member's phrase of "murdering the king." The hon. member for Oxford perfectly well knew, and he, being acquainted with that hon. member's extensive learning, could assert that for him, that the unfortunate and ill-advised monarch, Charles 1st., was not put to death in consequence of any determination of the democracy to put him to death. It was very well known by this time,—and it was not a very modern discovery,—who it was that put the king to death. So thoroughly were understood all the circumstances that led to that event, so well were known the motives, views, and objects of those who influenced or were concerned in the transaction, that he felt astonished that the hon. member for Oxford should commit himself by such a mis-statement before the House, and in the eyes of the country. Was it not known to every body the least acquainted with history, that when attempts were made to come to terms with Charles 1st, it was unfortunately discovered that, at the very time that the treaty was pending, the king was preparing to sign the compact, with a mental reservation that when he should be placed upon the throne by these means he did not intend to stand by his bargain? He was therefore put to death on a principle of self-defence, and by those who were guided by the paramount consideration of their own safety. The monarch was brought to the scaffold by an usurper, and not by a democracy; and well did the hon. member for Oxford know the fact. But did not the hon. Member likewise know, that the Parliament was not what he had termed it—a popular Parliament? It was in every respect a borough Parliament. It was a Parliament composed of only sixteen Members for counties, six Members for cities, and all the remaining Members were for boroughs: only eighty four Members composed the Parliament that condemned Charles to death, and more than sixty of them represented boroughs. The

learned Member, therefore, was wrong, entirely wrong, in asserting that it was a popular party or a popular Parliament that brought the King to the block. If he travelled from ancient to modern times, the hon. member for Oxford would be found equally wrong in all his facts, and equally confused and mistaken in his view of them. He had said, that wherever democratic or popular assemblies had been tried, they had been found in practice to be utterly inconsistent with a monarchy. What were the two instances he had quoted to make out such an extraordinary opinion? First, the hon. Member had quoted the recent political history of Spain. He (Mr. Hobhouse) would ask, whether it was the Cortes of Spain that dethroned Ferdinand 7th. He was dethroned, not by popular violence, but because the French army, in violation of all the treaties of Europe, entered Spain, not being prevented by this country, as, unquestionably, it ought to have been. The power of the monarchy and of the democracy were not found incompatible; and until the French invaded the country, the kingly functions and the rights of the popular assembly had been found perfectly consistent, as the Constitution of England had long shown them in every respect to be. Next, the hon. Member referred to Sicily, and had triumphantly asked, why "the experiment had succeeded there." He would answer,—for the best of all reasons, because Lord Castlereagh's settlement of Europe (of which Europe was still enjoying, and likely for some time to enjoy, the fruits) had not tended to any settlement, but to revolution. This was the reason why popular assemblies had not recently been found compatible with monarchy. Till that Debate began he had thought that the merits of the French revolution of 1830 had been settled in every man's mind, and that all parties in that House had acknowledged that it was an experiment which the French people were not only justified in making, but were imperiously called upon to make, and he was extremely sorry that any individual could now be found capable of blaming it. If that experiment had not succeeded, and if France were not now tranquil, it was not because the Parliament of France was too much the representative of the people, but because the people were dissatisfied with the very reverse. This was the cause, and the sole cause, why there were likely

to be any disturbances in France. He had listened to all that had been said upon the subject of the present Debate with attention, and he had not heard one single argument, or anything worthy the name of argument, to show that there was any danger whatever that could arise, or was likely to arise, from adopting the project of the noble Lord. The hon. member for Newport, who had been member for Wootton Bassett (Mr. Horace Twiss) had expressed himself very much alarmed lest the present plan of Reform should throw the elective franchise into the hands of shop-keepers and attornies. He should like to know where the elective franchise rested at the present moment. Were there any individuals in the country that now exercised so much power at elections, as this proscribed class, the attornies? Some people were very nice, but he did not see why that Gentleman, of all others, the hon. member for Newport, should be so nice respecting attornies. Of all men, the hon. Gentleman had least reason to object to the middle classes and particularly to the class of attornies. By the Bill of the noble Lord, the elective franchise would be thrown into the hands of people of a certain degree of property, and of those who had the greatest hold upon the higher classes and the most influence over the lower, and if these ought not to possess the franchise he did not know what class was worthy of it. This was, in his opinion, as good and as proper a basis of Representation as could be proposed. He could not understand why so many hon. Members had expressed their surprise when the measure was expounded. Did those who heard him know what the plan of Reform had been which Mr. Pitt had proposed to that House? Were they who were to decide on that question ignorant of all that had ever been done before with a view to reform the Parliament? Mr. Pitt proposed to cut off 100 Members from the House, and to take away or disfranchise thirty-six boroughs; and nobody had objected to his scheme upon the ground of its being a revolutionary measure. After Mr. Pitt had changed his opinions as to Parliamentary Reform, and when Mr. Grey, the present Prime Minister in the year 1797, brought forward in that House his project of reforming the Representation of the people, Mr. Pitt did not object to that scheme, or to any part of it, upon the ground of its being revo-

lutionary. All he had said was, that it would not do, just at that time, to make such an important change, but his own opinions were too well known for him to object to the motion on the ground of its being inconsistent with the Constitution. The learned and hon. member for Boroughbridge had even quoted Mr. Fox in support of his opinion. Mr. Fox, in speaking of the procession of the Goddess of Reason at Nottingham, had merely said, that had he been there, he should have looked to the security of the skirts of his coat; and he objected to the people of Nottingham being deprived of their rights on account of the disturbances that had taken place in that town. This opinion was perfectly compatible with any scheme that should give the franchise of Nottingham to the adjoining hundred, or take it away from it. But if Mr. Fox's opinion were an authority with the hon. and learned Gentleman, he would state that opinion on the question of Reform. In speaking of Mr. Grey's plan in 1797, Mr. Fox said, that the plan might be called a Radical Reform—that it changed without the destruction of any established right, it restored what had been injured by abuse, and reinstated what time had mouldered away. No man could complain of genuine property being assailed, and he used the expression genuine property to distinguish it from what was called property, but which was not genuine. As far, then, as Mr. Fox's opinions went as authority, he had shown that they were directly opposed to those of the hon. and learned member for Boroughbridge. He could excuse a little warmth upon such an occasion, and he should even say with a French author, that he never knew a kingdom lost so gaily. He must, however, be permitted to observe, that if the measure of Parliamentary Reform be now rejected by this House, in his humble opinion, soon or late, and rather soon than late, that catastrophe would come, which some hon. Gentlemen thought Reform must hasten, but which, in his judgment, it was the only means of averting. He was not surprised that so much chivalry had been shown in the course of this Debate, for hon. Members were contending for their seats. It was said of Cæsar, at the battle of Munda, that he fought, not for victory, but for life; and so far as their present seats were concerned, the opponents of the Bill were

fighting for their parliamentary existence. He did not, therefore, mean to say, that they would be excluded from a Reformed Parliament—on the contrary, there was no reason whatsoever for such Members being excluded from a Parliament in its regenerated state. They had shown such resolute and able advocacy of a worthless and sinking cause,—they had evinced such ability in support of what was odious, and such courage in defence of what was weak and contemptible,—that he could not help thinking they would be found hereafter among those whom a free constituency would choose for the advocacy of their rights. He had said before, and he now repeated it, that he did not think that by this or any plan of Reform the complexion of the House, as to the Members returned to it, would be much changed. The motives, however, that sent men into it would be totally different. Let Parliament be Reformed,—let it be restored to its ancient constitutional principle, by the plan now proposed by the noble Lord, the Paymaster-general of his Majesty's Forces, they would still have the best men in that House that constituents could find, for the support of their interests and the defence of their rights. He would beg those who disputed this to tell him whether they really thought that there was any peculiar and egregious ignorance in the people of England, or in any people, to make them unable to judge of those who were best able to serve them. The people had wisdom enough to get the best abilities they could obtain for every purpose, and they would likewise get the best they could to serve them as Members of Parliament. He was not aware that the people of England, in contradistinction to the people of the boroughs, had shown any such peculiar marks of ignorance and folly; he was not aware of their possessing any peculiar quality which incapacitated them for the important trust which they would be called upon to exercise. He well knew, that wherever he could discover a popular constituency, he could discover something like adequacy to the great duties it called forth, and the first and most indispensable of all qualities in such cases was honesty,—a quality that appeared to have been entirely forgotten or lost sight of by those who talked so much of introducing clever men into that House. It was scarcely possible to believe that any Gentleman was sincere when he expressed an apprehension, that a system

of public rectitude and intelligence in electors would give vice and ignorance an ascendancy in the choice of Representatives, and that a system of perjury, and bribery, and corruption, was essential to the success of virtue and knowledge. Why should such a feverish anxiety upon this subject be expressed? With respect to men of talents, doubtless capacity was one of the necessary qualifications of a Member of Parliament; but he had seen as many instances since he had been in Parliament of capacity being used in a wrong as in a right direction. Who, in the name of wonder, would approve of any system or scheme that sent men of talent into that House, if these gentlemen of talent were placed there under circumstances that rendered it probable that they would do more of harm to the country than good? If he ran over the list of the clever men who had been placed in the House by borough patrons, he could show the House that there was a necessity why such men could not possibly attend to the good of the nation. The great qualification for a Member sent to that House was, that he should speak the sentiments of his constituents honestly, according to his knowledge and interpretation of them; and he conceived further, that the moment he found himself unable to do that, consistently with his own private opinion, he was bound to relinquish his seat. At present there were two modes of obtaining seats in that House—one through the suffrages of the people, the other through the nomination of the patron of a borough. If a Member of Parliament, returned for a borough, differed from his patron, he thought it necessary to take off his hat, make his bow, and retire from his seat: He thought it necessary to consult his patron's views and opinions; and this, in his opinion, was the best of all answers to what was called virtual Representation. There was no such thing as virtual Representation with a patron. The patron must be listened to,—he must and would be obeyed; he would hear of no nonsense about virtual Representation; for he knew, as Sir W. Jones had remarked, that virtual Representation was actual folly. The hon. member for Oxford had said, there was no necessity for a Member's consulting his constituents, and that he would go on in the stern path of what he deemed his duty, in spite of any constituents whatever. This ought not to be the principle upon which

Members should be returned to that House; nor was it a principle upon which any patron of a borough ever put his member into the House. He saw no danger whatever in the plan proposed by the noble Lord, although an alarm had been sounded, as it always had been sounded whenever any great moral changes were attempted to be introduced. At the time of the religious Reformation, the historian Robertson said, that those who opposed the Reformation took care to spread an alarm, that certain evil dispositions were riding about the world to overthrow all that was established, and to undermine all religious systems. This, they said, was not owing to any thing above the earth or under the earth, but owing to the sinister influence of the stars. At present, alarms were also carefully spread; though he thought there was no danger, except from those who opposed Reform. The danger proceeded from that cold, blunted, selfish sect of politicians—if politicians they could be called—who, in spite of all past experience, when truth pressed her light upon the whole nation, were still left in ignorance and sunk in corruption. They would rather that the whole State should be lost for ever, than that they should resign one of their petty interests, or forego one of their much-cherished prejudices. If any cries of alarm were spread, they would be the organs of that alarm, but he trusted that there was in the country a good sense, as well as a temperate feeling, which would not permit any use being made of such fears. If those with whom he agreed in opinion had been accused of appealing to the passions of the people, he must accuse the Gentlemen opposite, not of appealing to the fears of the people, but of doing what was infinitely worse—they had appealed, by the worst of artifices, to the fears and selfish passions of those whom they called the Aristocracy of the country. The hon. member for Newport (Mr. Horace Twiss), in his speech, had advised Gentlemen to look after their rents; another Gentleman had sounded an alarm upon the security of tithes; and another had exclaimed, that if the Reform were carried, there would no longer be any security for property of any sort. When such Gentlemen talked to him of appealing to the fears of the people, he had a right to taunt them with appealing to the fears of that class which seemed to think that they possessed their property without any rela-

tion to the rights and feelings of the people at large. He trusted, however, that the people were wiser than of yore, and he confidently hoped that they were no longer to be deluded by idle sophistry into the neglect of their best interests. He believed that even the great magician of political terror, even Burke himself, could he rise from the dead, would not now be able to conjure up those phantoms which at the period of the first French Revolution alarmed the people of the country, and made them madly plunge into a war against freedom which had been the seed of all our subsequent disasters. In reply to those who wished to terrify the rich he would refer to Mr. Burke himself who was so often quoted but so little understood; Mr. Burke had very justly said, that the people of England had no interest to benefit, and no purpose to serve, by disorder. They never had proved themselves to have had any,—not the people of England,—not those for whom he was appealing,—not those who were robbed of their rights and despoiled of their property by the power of the great, and corruption of Parliament,—no, these people, though impressed with a sense of their wrongs, had never shown any inclination to obtain redress or seek relief by disorder. He did not, like the hon. member for Preston, pretend to speak the voice of millions, but he spoke the sentiments of his own heart; and having received the same education, being born on the same soil, and having the same recollections and the same wishes as the Gentlemen whom he addressed, he did believe that he spoke the voice of the people; and he did hope that a great majority of that House, by voting for the present measure, would be the faithful interpreters of the wishes of the people of England. For his part he had such confidence in those people that he should not be disposed to object to any plan calculated to let in any class of his fellow-subjects to the enjoyment of the privileges which they could exercise with safety to the State and advantage to themselves. But he should be acting unjustly by right hon. Gentlemen opposite, unjustly towards the country and the great cause to which he had all his life devoted himself, and used his feeble but sincere exertions to promote, if he were not now to do his best in support of the noble Lord's proposition, a proposition which he trusted, and believed,

would be supported by the great mass of the people of England. And here let him warn the people against being led away by certain insinuations that had been somewhat insidiously thrown out in the course of the Debate, and against the quarter in which they originated. The hon. member for Newport had said that the noble Lord's plan would not satisfy the people; but he begged to say he knew as much of the sentiments of the community on this subject as the hon. Member possibly could, and he boldly asserted, speaking upon that knowledge, and upon the communications which had already reached him from various quarters, (although it was true only forty-eight hours had elapsed since the plan was made known), that the people generally would be satisfied, and he might add, ought to be satisfied with the measure. Some taunts had been uttered against Ministers respecting their opinions and conduct upon other matters; but the people out of doors cared nothing for that—they only looked at the present measure as it now stood, and by itself, and they would say, that the Administration which brought it forward was entitled to gratitude and confidence. Good jokes might be made upon the Budget; but the people out of doors would consider that no disparagement of the Reform Bill; and they would all raise their voices to aid the great work of obtaining that Reform. There was some talk about divisions in the Cabinet—what had that to do with the question? He made up his mind upon a simple and distinct ground, and he cared not for any personal appeals to the consistency or inconsistency, the agreement or disagreement of the noble Lord the Secretary of State for Foreign Affairs, or the right hon. Gentleman, the President of the Board of Control. If any member of the Cabinet had any errors to recant, let him imitate the magnificent career of the right hon. Baronet below, on a great occasion, never to be forgotten, which, so far as the humble approbation of an individual could compensate him, or—why should he not say it—so far as the approbation of all mankind could reward him—he was compensated for the sacrifice he had made, he was rewarded for the vast good he accomplished. And what had happened to the right hon. Baronet at that time? He was reviled, not merely by his former political associ-

ates, but had the pain of hearing one of his nearest and dearest relations, who rose up behind him, read an extract from one of his own speeches against himself. If the right hon. Gentleman had shrunk from doing his duty on that occasion, and abstained from avowing the change that had taken place in his sentiments, through a weak fear of the obloquy to which the avowal must expose him, instead of the station which he now held in the estimation of the country, and the proud and unsullied character which he had maintained—a character to which posterity would do justice as well as his contemporaries,—what would have been the right hon. Gentleman's position? He would not be considered the great and wise politician, which men now acknowledged him to be, but would have been looked on as a man unfit to play a distinguished part on the theatre of public affairs—unfit to take a share in governing empires, because unable to govern himself. He should always be ready to repel the cant of inconsistency, when the charge applied to a conscientious and wise change of opinion. But the very same diverting jokes had been cast upon the right hon. Baronet which were now again dealt forth against the present Ministry, and from the same quarter. It was not then as now, "Althorp and Co.," but "Peel and Co." He recollected the very words,—the refined and facetious expressions, learnt, no doubt, by the hon. and learned Member in the academic groves of Oxford, or the congenial bowers of Lincoln's Inn, and so pleasantly and unsparingly applied by him to the right hon. Gentleman. The phrases were too expressive and witty not to deserve being revived, and accordingly revived they were, in all their original splendor, by the facetious member for Boroughbridge, the great plagiarist of his own wit, who had again last night treated the House to the *crambe recocta* of "Peel and Co." Last night it was "the expiring member for Boroughbridge," formerly it was "the expiring Attorney-general." This was another of the waggish and facetious Gentleman's jokes, too good not to deserve and bear repetition, and it had been again inflicted on the House by the hon. Member, who originally rung the changes on his then also last dying note, so very long that one would have thought it might content him to utter it once in his life. But no; the hon. Member's jokes

were not so easily worn out: it was formerly his turn to be waggish with the right hon. Baronet below, and try how far a good-humoured sarcasm and a joke might divert him from his great object of saving the nation, and securing the tranquillity of the country even at the expense of the friendship of "the expiring Attorney-General." Now the expiring representative for Boroughbridge applied his stores of humour to an attempted diversion of the present Cabinet from its important determination, and he trusted with precisely the same degree of success as before. All public men must make up their minds to things of this sort, and the present Ministry, like their predecessors, must bear as best they could the sarcasms and witticisms of the hon. and learned Member. He must here observe, that the House, in showing itself so delighted with the hon. Member's jokes, evinced either that it had very little memory, or that it reckoned the jokes so good that they might be repeated. However, as he had before observed, right hon. Gentlemen must make up their minds to listen to the *facetiae* of the hon. Member. Supposing that right hon. Gentlemen opposite had not thought it necessary to bring forward this great and healing measure,—and in doing so to sacrifice some degree of private opinion,—let him ask where, how, or by whom, was a government to be formed? Could Gentlemen who now opposed Ministers so violently, make up a Government among themselves? When the right hon. Gentlemen failed to do so, could any one else succeed in the attempt if made upon the same principles? If the thing were to be done by mortal man, the right hon. Baronet could have accomplished it. But a Ministry could only be framed on one of two principles—anti-Reform or Reform. The late Government went out chiefly because it was found impossible to carry on the business of the country on principles of anti-Reform [*cheers from the Treasury, mingled with cries of "No," from the Opposition benches.*] He certainly understood the right hon. Gentleman to say, it was not so much in consequence of the ill success of Ministers upon the question of the Civil List that the late Government had retired, but rather because it appeared that things had come to that point in the country, that it was necessary to try some new principles of government, and a new set of men,

He again asked, where or how was a Government to be formed, unless from among the ranks of Reformers? and what Government but one thus constituted could carry on the business of the country? It was because he was satisfied that no Ministry but a reforming Ministry could act with safety, that he had felt so anxious to see the late Ministers (among whose humble supporters upon many points he had long reckoned himself) quit their places. He might here observe (as he had made up his mind to take the first opportunity of doing), that if on the night of the division upon the Civil List he had shown any appearance of indecorous haste or improper exultation in proposing a question to the right hon. Baronet, as to whether it was the intention of Ministers to go out, he now frankly begged the right hon. Member's pardon, and expressed himself sorry for it. He was not actuated by any hostile feeling against the right hon. Baronet or his Colleagues, he was merely convinced, and on that conviction he spoke, that so long as Ministers attempted to go on without a majority of the House in their favour, and with the people against them, it was hopeless to expect tranquillity or security. He expected yet to see the day when, this great question being adjusted there would be a combination of men of talent from various quarters and parties in the public service. Under such circumstances, it was possible, and he hoped not improbable, that the right hon. Baronet and some of his friends might be induced, in the great crisis of public affairs, to put their shoulders to the wheel and endeavour to drag the car of State to a place of security. He had seen great changes in his time,—he had seen great and long-rooted prejudices give way,—he had seen penal restrictions removed, commercial restrictions abolished, religious disabilities disappear, before the spirit of inquiry and truth which was abroad, and in all these great triumphs the right hon. Baronet had borne a distinguished part, achieving on one occasion a more than ordinary victory—a victory over himself. He trusted that the right hon. Baronet would yet be induced to add his name to those who, late converts though they were, had at length become advocates of this great cause. In acting thus, the right hon. Baronet would not have to encounter the difficulties which beset him in the

Catholic Question. He called upon the right hon. Baronet to take this course, and add another wreath to his laurels; and let him be assured, although a few, and now a very few, feeble voices might be lifted up against them, that they would be drowned by the acclamations of a grateful country. In recommending this course, he asked for no destruction or annihilation of ancient and established rights; but he asked the right hon. Baronet and the House, in the words of the poet Waller, in his famous speech on Episcopacy, "to Reform, that is, not to abolish, the Parliament."

Mr. *Hart Davis* said, his Majesty's Ministers had involved themselves in a fearful responsibility by bringing such a measure forward at a moment when, as the hon. member for Westminster had stated, "Kings could with difficulty keep their crowns on their heads;" when revolutions were breaking out in every part of Europe, and when our own country was in a very disturbed state. The noble Lord, the member for Devon, had observed, that it was peculiarly the duty of every Member returned by a large population, to deliver his sentiments on this important question; and that this was more peculiarly his duty, because he owed his return, in a great degree, to the sentiments he had professed against Parliamentary Reform. His return to that House had not been occasioned by any promises to support plans of Reform which might prove in their result, dangerous or revolutionary, but by a consistent line of conduct throughout his political life, and a conscientious endeavour to do his duty to all his constituents. He rose to defend the corporate body of Bristol, and all its constituents, against one of the most unjust and arbitrary measures which had ever been introduced into that House, and by which the chartered rights of ages were to be swept away in a moment. The rich and the poor had an equal right to complain:—every apprentice whose time of service had not expired, every freeman's son not yet of age, every freeman's daughter not yet married, were deprived of their legal and just rights. The grounds assigned for this revolutionary measure were, first, necessity,—and secondly, that it would put an end to our differences upon this agitating question. He denied this necessity. We had flourished and become the greatest nation in Europe, under

the present system. As to the other point, the noble Lord, the member for Devon, after having predicted a sort of Millennium when this healing measure should have passed into a law, candidly acknowledged, that, although he had relinquished his own previous opinion on the subject of the ballot, yet that the opinion of his constituents in favour of the ballot had become stronger. What reason had the noble Lord, therefore, to suppose that this sweeping and revolutionary measure would give satisfaction to his constituents? Or, indeed, what security had the House that the noble Lord, who with so much facility had relinquished his own opinion in favour of the ballot, would not, hereafter, with equal facility, return to it again? Another noble Lord (the member for East Retford) said, that he approved of the Bill; yet he talked of its destructive effects and the sweeping character of its enactments. The members for Middlesex and Preston approved of this measure, because it would lead directly to other measures of a much more dangerous character; and, last of all, the noble Lord who introduced it to the House, stated that there were other points of great importance, such as the duration of Parliament, not provided for by this Bill, which would be grave subjects for further consideration. So much for this healing measure, which was to unite and put the country at rest. The hon. Member for Calne, in a very eloquent speech, said, the Bill would unite and knit together in one bond of union the three great estates of the realm, he, on the contrary, was convinced, that if it passed into a law, King, Lords, and Commons, would all be melted down in the crucible of Parliamentary Reform, and become one fearful power, under the denomination of the United Commons House of Parliament, in which democracy would reign triumphant. The hon. Gentleman brought forward the name of Mr. Burke to aid his arguments, although the whole tenor of Mr. Burke's later sentiments on Parliamentary Reform was opposed to such a reform as was contemplated by his Majesty's Ministers in the Bill now about to be read a first time. Mr. Burke always described ours to be a practical Constitution, in which every great interest in the State—landed, commercial, and professional—was fairly represented in Parliament, in a more beneficial manner than any theory could secure. He did

not ask how Members came into this House, but finding that they did the business of the State well, he deprecated all change, except such as was called for by the necessity of remedying any abuse as it arose. Another point, which appeared to him of great consequence, was, the increased influence given to Ireland. It was well known to his Majesty's Ministers, that the influence of Irish Members, on any question affecting Irish interests, was so predominant, that measures of the highest importance to the State had been relinquished, because they had not the power to carry them against that influence. Now the plan of the noble Lord subtracted seventy Members from the English Representation, and added three to the number of Irish Members, increasing that influence which was already overwhelming, and required to be diminished. The same observation, but perhaps, in a somewhat less degree, would apply to the Members for Scotland. If this part of the measure should be carried into effect, he would venture to assert most confidently, that no tax or regulation affecting Ireland could be imposed should the Members from that country unite against it. In proportion as the Bill weakened the Representation of England, it gave power to that of Ireland and Scotland. When he heard hon. Members affirming that the whole people of England were crying out for Reform, at least they must admit that it was not for such reform as was proposed by this Bill. He had very lately presented a petition from the city which he had the honour to represent, on this important subject, which expressed the opinion of a great majority of the wealth and intelligence of Bristol and its vicinity, and prayed only for a reform of defects as they arose, which could be effected without danger to the Constitution. He preferred the present constitution of Parliament to risking fearful and dangerous innovations. He would cleanse every blot as it appeared in the election of Members of that House, he would do every thing in his power to put an end to such abuses; but he conjured them, not with sacrilegious hands to destroy, in the attempt to amend the sacred ark of the Constitution. Whilst they were attempting a change, in order to improve, they might be effecting the destruction of our whole frame of Government. He would not oppose the bringing in of the Bill; but

in its further progress, it should have his unqualified opposition.

Mr. *Baring* said, he approached the question then under discussion with the greatest anxiety and hesitation, as every thinking man in the country must do, being sensible that the future destinies of his country would depend on the decision of that House. On other occasions of less importance, he should have felt much occupied and much annoyed by the painful necessity under which he was placed, of differing from his Majesty's Government, composed of Gentlemen with whom he had acted for many years, and with whom he hoped to continue to act during the short remains of his political life, and Gentlemen for whom he entertained the highest respect on account of their talents and consistency; but the paramount importance of that overwhelmed all personal considerations, and must form his apology, if one was necessary, for his stating his opinions without reserve or disguise. He thought every body would be sensible that the House had now before it no ordinary act of legislation, or even a mere alteration in the construction of the House of Commons, but a measure which, in point of fact, amounted to a new Constitution. His friends on the Treasury-bench might declare that our old Constitution was worn out—that it had lost the affections of the people—that it was found to work so ill, and cause misery among the people to such an extent, it behoved us to remodel it. Still they would at least admit, that the effect of the proposition of the noble Lord went in substance to produce a new Constitution. He repeated, that although on the face of it this was only a Bill to alter the Representation, it was essentially, and in point of fact, as much a new Constitution as if it had been drawn from the pigeon-holes of Abbé Sièyes. The only Constitution that had ever been tried with success, for the purpose of mixing up a popular form of government with a monarchy and aristocracy, was that which had been adopted in this country, and which, he did not say by the wisdom of our ancestors, but through the fortuitous occurrence of events, or perhaps he might with greater propriety say, by the gift of Providence, had brought us to that state of prosperity and security which had hitherto been the envy of the world, and which till of late years he thought was also the pride and satisfaction of Englishmen. Hitherto it

had been held, that the Constitution of the country consisted of three estates—King, Lords, and Commons; but he feared that if this measure were adopted, we should at least have to reverse the order of these estates (supposing that they all remained in existence), and that in future it would be no longer King, Lords, and Commons, but Commons, Lords and King. He repeated, that the Constitution of this country was that of King, Lords, and Commons; and living under that Constitution, the empire had enjoyed the highest prosperity. He was told, indeed, that the existing system was corrupt and rotten; but it appeared evident to him, that the state of things which had been long established in this country had secured to it a degree of prosperity and of freedom which was not to be found in any other part of the world. Here was a popular body slightly subjected to the influence of the Crown, connected also with the influence of the aristocracy, representing much of the property of the nation, and providing for all those various compound interests which entered into the composition of society. The question then was, whether a body so composed was calculated to forward the welfare of the country, and whether it had done so? In his opinion, both these questions must be answered in the affirmative. When he considered this, and heard the hon. member for Westminster tell them, that if the people were left to themselves they would not choose, as Members of the House of Commons, a class of men very different from those who already sat in that House, he could not help considering it as an argument against giving them an opportunity of effecting a change, which might be, and, in his opinion, would be, anything but beneficial. He thought, in some parts of his speech, his hon. friend seemed to lean to the opinion, that the House of Commons was not quite so unworthy of confidence as some individuals asserted. In his view of the case, the state of the Representation was not so corrupt, or so defective, as it had been described, although ignorant, and perhaps unthinking, people, endeavoured to find fault with it. He would contend, that if all the Constitution-mongers in the world exerted their abilities for that purpose, they would not be able to frame a form of government under which the same extent of population would be blessed with the

same extent of rational liberty. What had been effected, under that Constitution, afforded some proof that the wit of man could not go beyond the skill which was manifested in its formation; and if they threw aside that jewel, for the purpose of adopting a theoretic plan, he thought they must be considered as the wildest visionaries that ever existed. Such was his opinion, and he boldly avowed it in the presence of his hon. friends below him. He had sat for many years in that House—he had approved of many acts of his hon. friends; but when a question of this sort was brought forward, he would state his opposition to it without apology. Those who supported this measure said, "Let the King stand by himself, let the Lords stand by themselves, and let the People stand by themselves,—let there be no mutual connexion between them. Such was their doctrine, but such was not the Constitution of this country. He should be glad to know what was the practical grievance, under the existing system, of which that House had to complain? Had the other powers which formed part of the Constitution interfered with the people in any way? Had they interfered with the fullest freedom of action and of speech in that House,—the fullest, he would say, that was allowed in any country in the world?" No such attempt had ever been made; and, if they extended the popular branch of the Constitution with a view to the diffusion of popular liberty, his fear was (being himself a friend of freedom) that the alteration would end in the destruction of those liberties which he was anxious to preserve. What grievance, he would ask, did any man in this country suffer from the conduct of the other House of Parliament? Did they find those Peers pressing on them in any way? Did they find them making laws that were directed against the popular branch of the Legislature? Did they, in the courts of law, assume any superiority? Did the people not find their rights secured as well as those which appertained to the House of Lords? He knew of no such interference; he was not aware of any such interposition; and he was firmly of opinion, that the mixture of different powers and interests in that House had been the great means of protecting and promoting public liberty. That mixture tended to check and to resist those erroneous feelings which were occasionally visible in that House. There was sufficient

popular feeling in that House. The feeling which was manifested out of doors was responded there, as evidently appeared from the lively expression of popular opinion on this occasion. There was much restlessness out of doors; but he felt no apprehension on that account. The cause of that he did not know, whether it was one of those epidemics with which society was periodically visited, and which at present seemed to overspread, with unaccountable universality, the whole world; or whether it proceeded from any local causes that reason could discover and remove. On that subject, and a very difficult one it was, he had not made up his mind; but whatever was its cause, it was shared by the House as well as by the whole community. The people, it appeared to him, did not much know what they wanted, neither did the House of Commons seem to know exactly what they desired. They had turned out one Administration and put in another, and they appeared to feel no great disposition to support either. Mr. Windham had observed, that one great benefit of the House of Commons was, that when measures were introduced there, time was given for the people to reflect on them. It would certainly be absurd for them to decide on what should be done, by proceeding from market-town to market-town, and inquiring of the people—"Is such your real opinion?" He had known instances (not to speak of Catholic Emancipation) where the House had wisely opposed that which appeared to be popular opinion; and the measures thus carried, though condemned at first, had afterwards proved highly beneficial. He could not agree with the hon. member for Westminster, that a popular call should be at once obeyed, without any intermediate consideration on the part of that House. Such a course of proceeding would lead to the greatest evils. With respect to the conduct of the House of Commons, it could not, he supposed, be denied, that they were ever ready to make the fullest inquiry into the distresses of the country. No branch of trade got out of joint—no body of the people was thrown out of employment—no general grievance was complained of, without causing the formation of Committees to investigate the facts. On all occasions the most parental care was manifested for the well-being of the country; and he thought that those who maintained a contrary position were either

guilty of a gross misrepresentation of facts, or else were labouring under the illusion of most perverted judgments. Such was the course uniformly taken under the existing constitution of the country. But new lights had now broken in upon the world; and what consequence was to follow? Why, in obedience to these novel views, the whole aristocracy of the country was to be swept away. The principle which these reformers thought proper to set up was, that the influence of the aristocracy in that House was illegal,—that it was a great evil, and ought to be removed altogether. Their opinion was, that the influence of Peers in the nomination of Members,—that the influence of landed proprietors with respect to seats in Parliament—was productive of great mischief, and ought to be got rid of. He should be as sorry as any man to see the lower classes, even the lowest classes, of this country, without considerable influence in that House. They had considerable influence; and therefore it was right that there should be a countervailing influence; because it was the influence on the one side that enabled them to take the pressure of influence on the other. It was by that means that they were enabled to take (using a short and not an offensive phrase) low popularity into their system. Let them look at the example of France—there, with a population of thirty-two millions of people, the constituency of the country had been something short of 90,000, and the qualification of those voters was the payment of 12*l.* in taxes, which might be calculated as answering to an income of about 60*l.* a year, which, when it was considered what was the difference between the money and fortunes of the two countries, might be considered as about equal to 100*l.* a year in this country. This was what the state of representation in that country had been, and even since the change that had taken place there, the utmost extent of any alteration that had been proposed was, to change the qualification from 12*l.* to 8*l.*, which would make 60*l.* a year 40*l.* and increase the number of the constituency to about 200,000. No one could rejoice more than he did at the victory that had been gained in that country, for he had looked upon it as being the means of preventing the nation from being trampled in the dust! but, with all the popular excitement that had followed upon that victory, no proposition

to a greater extent, with respect to the Electoral Law, than that which he had already stated, had been made. Let none suppose that he proposed such a qualification as this for England; but he quoted it for the purpose of showing that those who were supposed to have the love of liberty most at heart, thought that property ought to be the standard of the right of election. What he wanted was, liberty for all. Let him take the liberty of alluding to the hon. member for Preston. Not only were the observations which he made in that House unobjectionable, but many of them were extremely useful; and it must be extremely satisfactory to the people to find that they had such a Representative in that House to state the grievances under which they supposed they laboured. Seeing this, it was impossible that they should shut their eyes to the importance of the English House of Commons. Any one who had seen the power that people of no property had over popular bodies ought to see, that, without counterbalancing that power, the whole system would be changed. To form that counterbalance had been the system of the Government as yet; that had been the Constitution of England, and it was but shallow policy to look at it in any other way. If the acts of that House were stated to the people, he believed that they would be satisfied with them. If appeal was made to their acts alone, without superadding the excitement of those who went among them for the purpose of agitation, he believed that such would be the result. He would not say that those who thus agitated did not believe it to be their duty to do so; but it was, in fact, they who set in motion what it was now the fashion to call the voice of the people. He had been always what was called a moderate Reformer. He had never been able to bring his mind to vote for what was called a general measure on this subject, because he believed that such a general measure would be the means of altering the entire Constitution. That large manufacturing towns should be represented was not only necessary, to give satisfaction to the people, but would be useful in enabling the House the better to discharge its duty. With respect to Scotland, he had always thought that it ought to have a different mode of representation from the present; but, at the same time, that must be done without endangering what he called the prac-

tical Constitution of England. But when he said that the representation of Scotland wanted alteration, he must say, that he confessed he believed that Scotland was virtually and really represented in that House. He had never seen any Scotch question which had not been most pugnaciously canvassed by the Members of that country. This was remarkably instanced in the case of the Scotch one-pound note system. The Scotch gentlemen had come spear in hand, ready for the attack, and, with the Irish, had been quite competent to beat all the English gentlemen out of the field. Something had been said about remunerating proprietors for the loss of their boroughs; he was, however, not disposed to enter into that question at all: the view that he took of it was entirely in reference to the safety, policy, and expediency of the measure. He wished to know what great advantage was to be derived from striking off those impure boroughs, as they were styled, and what advantage was to be got by leaving those sweet-scented places that were to be retained? He scarcely knew what was left to represent the people. He did not know how it was that the noble Lord, when he went on his reforming tour, did not stay at Tavistock, on his way to Callington. He was armed with an exterminating sword; but Tavistock was invulnerable. Since he was connected with Callington, he knew of no moral offences, at least he could not complain of any, which had been committed in respect to its elections. He could safely deny that there was in it any thing which could deserve the name of corruption. He had not spent one shilling in all his elections that he would not readily submit an account of to the greatest purists on election matters who sat on the mountain part of that side of the House. [*The hon. Member spoke from the Ministerial side of the House.*] His whole election bill did not exceed 150*l.*, and that was wholly for things, every one of which he might have bought openly at Charing-Cross. He had been in his time returned for some populous places, and if he were to show the bills which he then paid, they would not place in a very high degree of respect those popular elections which were to be left by the noble Lord. It was in vain to deny that there were places under the influence of individual Peers, who returned whom they pleased, and the practice it was difficult to defend. When it

was mentioned in the House, Members affected a great deal of indignation, because that was necessary, being a piece of indispensable hypocrisy; and yet, when stated to an unprejudiced man, something plausible might be said in its favour. It was not his intention, however, to defend it, but only to say, that the places which were to be left, and were to be odorous like the perfumes of Arabia, were not much better than boroughs. The open boroughs, which had more than 4,000 inhabitants, were to be left with all their imperfections, except that of absent freemen. Why was the Reform not extended to such places? He wished to ask, too, how the merchant was to find access to the House? He could only come there by applying to some of those populous places which were so extravagant, and by which he would be very likely to get into *The Gazette* as a bankrupt. He contended that the present system worked well; and if it were wanted to introduce greater purity, why did the Ministers leave places to return Members with so few as 4,000 inhabitants? When boroughs were thrown open, would influence be diminished, or would the purity of boroughs be greater? When a gentleman now went to an open borough, what questions were asked? Were any inquiries made as to his political principles? No; but as to the length of his purse? If he had not been guilty of any great offence—if he were not branded with any unsightly mark, and would bleed freely, he was sure to succeed. It was a species of cant to talk of the liberality and virtue of populous places; and it would not purify the election to descend to a lower class of voters. He might, perhaps, complain of partiality; and it might be said, it had indeed been said, that Callington was on one side of the line and Tavistock on the other. That was true; but who drew the line? It was true, that the one was a larger place than the other, but both were small towns; and, with respect to purity, he would only say, that the election for Callington, where there were 200 voters, cost him 150*l.*, not one sixpence of which was improperly expended. It was said, that the influence which was now exercised with reference to those boroughs by men of rank and wealth enabled them to knock with confidence at the door of the Treasury. But would not those persons who got into that House by treating with beer and gin the

electors in populous places, be as unfortunate as those who attained the same end merely by their money? It was set forward as an argument in favour of the plan, that, as boroughs were now constituted, several of them might be placed in the hands of a few individuals, who thereby acquired the power of awing and commanding Ministers. But the new plan would not remedy that evil. Would not the borough of Tavistock, for instance, belong to the Duke of Bedford as much after the alteration as before it? If the noble Lord who represented the borough doubted the fact, he would ensure him his election for half-a-crown. The noble Duke would still have his two members for Bedford. He would have the same influence that he now possessed. He would have that influence that would enable him to knock at the Treasury door, which hon. Members wished to get rid of by the proposed change. When he said this, he meant not to cast the slightest imputation on the noble Duke, or to imply that he had ever made such use of his influence; and here, for his own part, he would beg to state, that he had been twenty-five years in Parliament, and during that time he had never once knocked at the Treasury door, as the phrase was, or ever asked a favour from Ministers in his life. He begged pardon for thus introducing his own name with a discussion of this kind. To return: the real question was, whether the Bill did not destroy one important interest in order to create another: whether,—for it was a minor consideration whether the influence in the case alluded to was exercised by the Duke of Bedford or any other person,—whether they did not; for the purpose of making an alteration—cut off the interests of the lower classes of society. He was as much as any man opposed to Universal Suffrage, but for the people to have a certain portion of influence in the elections was essential to the Constitution. The people now had such an influence, and every reform of an extensive nature, which did not greatly enlarge the representation, would belikely to do that away. It was a beneficial arrangement at present, which made all classes suppose they had a concern in the elections. It was not the amount of wealth represented—it was not the number of people—it was the excitement of an election, the notice that they were represented much beyond the reality, which made the present arrangement so bene-

ficial. It was indispensable to the working of the Bill, that the low class of voters should be got rid of. It was then the disfranchisement, to a certain extent, of the lower classes. He was waited upon a few days ago by some of the potwallopers, and he told them, that there could be no extensive plan of Reform which would not sweep away their boroughs. Hon. Members might be assured, that the intelligence of this kind of Reform would not give satisfaction amongst the humbler classes. The country shop-keeper might be pleased, but his poorer neighbour would be greatly dissatisfied, for it was certain that his interests would be greatly injured by it. To that part of the plan which cut off outlying voters, he had no objection; but he thought the proposition of continuing the votes in the burghs which remained during the lives of the present voters was inconsistent with the general principle advocated by the Bill. He admitted the general principle that, *prima facie*, every man in the kingdom, being a natural-born subject, had a right to a vote, unless it could be shown that its exercise would prove injurious to himself, or to the general interests of the community. If the person having this right could be convinced that he ought not to be permitted to exercise it, well and good; but by what sort of argument could you convince him that he might exercise it without injury to the general welfare for twenty years, but that after that time the exercise of it would be greatly detrimental to the State? He owned he could not understand this mode of reasoning. The 10*l.* qualification named in the Bill was, he took it for granted, the lowest that could be mentioned consistently with safety, for Ministers were bound to go lower if they could do so with safety. Were they then for the next twenty years, during a period which it was probable would be one of no ordinary difficulty, to have the existing voters in boroughs with much lower qualifications—with qualifications which were declared by the Bill itself, to be too low for the safety of the State,—were they, he asked, to have this lower and more dangerous, because lower, qualification, of existing freemen to continue in full operation? He thought it would have been more consistent to say, the “political atmosphere looks cloudy at present, let us make the qualification as high as 15*l.* for the next twenty years, and after that we shall see if we can go on with a lower

qualification." He would now say a word as to the effect of the measure with respect to the class of persons who might be introduced into Parliament under it, and he must contend, that as independent members the class would not be improved; for, considering the class of men who now represented some of those close boroughs as they were called, the temptations to abuse their trust would be much less than in the case of those returned in a Parliament chosen under the new plan. The noble Lord, by his Bill, cashiered him (Mr. Baring), and if he had a seat in the House hereafter, he would bring in a Bill to cashier the noble Lord. The Bill of the noble Lord created an entire change in the Constitution—it was an entire change in the constitution of that House, and what were to be its consequences nobody could tell. The whole construction of the House was by this Bill changed, and its anomalous nature was now laid open for the first time. He did not mean to say that the House was perfect in its construction; but he must say of the alterations proposed, he could not see the necessity. It was necessary to preserve the Government from falling altogether under the power of the people. It was said, that the House was not popular; but if the impression had got abroad that persons came to that House to study their own private interests, and to enrich themselves at the expense of the public, whose fault was it? It was the fault of those who created the impression, and who excited the opinion. If it were really the case that the House was unpopular; that it had lost the confidence of the people, it could not do that part of its duties which consisted in protecting the liberties of the people. It was necessary that the House should enjoy the confidence of the people, to enable it to do its duties. To restore it to that confidence was the great difficulty, and till that was got over, its operations would be materially affected; but he would not consent to try and remodel it, by committing suicide. It was necessary to state this difficulty, and necessary to state the danger he apprehended. If it were unfortunate that opinion demanded great changes, he could not see the great changes now proposed without alarm and concern. He believed, too, that the sound mind of the country did not see these great changes without apprehension. It was probable, if the plan were proposed at the market-place of a great town, it

would have the approval of a large body of supporters; but the same parties would also support Universal Suffrage; and if that voice were to be listened to, they might as well sweep away all institutions at once. If they wished to consult the interests of those who were most likely to suffer by it, they should consult those who had most intelligence, and were best acquainted with the general interests. If they wanted an example of complete anarchy, let them look to Belgium; and see how the effects of a revolution for a legitimate purpose had fallen on the great body of the lower classes. Much was said, he knew, of the enjoyments of the rich in this country; but those who had visited Paris and Belgium must also know, that there the misery of the people was extreme; that their distress was great; and that the people were demanding work and bread. The lower classes, who demanded the changes here, would be the first to suffer by them; and they, therefore, must be weaned from these errors, by the more intelligent classes. In conversation out of doors on this subject, he had not met with a single person who was not apprehensive as to how the Bill would work. It was said it came from the King's Government, and that Government must be wise in bringing it forward; but each and every person seemed to be in doubt as to what should be done. They said, "What can be done? If it be not carried, the minds of the people are so much excited, that it may lead to a revolution." But he did not see why his hon. friends near him should not take some means to quiet the minds of the people. Much of the excitement was caused by this measure being announced as coming from the Crown; and he felt satisfied that but for such announcement, the people would be satisfied with a much less sweeping, and much more moderate plan of Reform. For his own part, when he first heard of the plan, he expected that it would be one of moderate Reform, and he was greatly surprised when he heard the explanation given by the noble Paymaster of the Forces of the Ministers' intentions. He was much in the same situation as the hon. member for Preston, who, when he heard it, scarcely knew what to make of it, so much did it go beyond even his expectations. He now begged to thank the House for the attention with which it had listened to him. He must say, in conclusion, that with

every respect for his hon. friends around him, in whose talents and integrity he placed the greatest reliance, with many of whom he had so long acted, he could not refrain from thus openly and plainly declaring his sentiments on the measure they had introduced.

The Marquis of *Tavistock* said, after what had fallen from the hon. Member who last addressed the House, he could not avoid taking the first opportunity that presented itself of saying a few words. The hon. Member seemed to cast a reflection on his Majesty's Ministers for not having included the borough of *Tavistock*, as well as *Callington*, amongst those boroughs which were to be disfranchised. He certainly so understood the hon. Member. Now, in reply, he would say, that if the hon. Member would bring forward a motion to have *Tavistock* included, it should have his cordial support. But if the hon. Member abstained from making such motion, greatly did he mistake the character of the Duke of *Bedford*, if that nobleman would ever influence his tenants in that place as to the manner in which they should give their votes. The hon. Member said, that if he would give the hon. Member a half-crown, he would ensure the return of two Members for *Tavistock*. Now, if the hon. Member would give him a half-crown, he would return him twenty half-crowns if ever the Duke of *Bedford* made the attempt. The hon. Member complained of the line being drawn which included *Tavistock* and excluded *Callington*. Now, without undervaluing the importance of the latter place, he must say, that it contained a population of 1,320 persons, while *Tavistock* contained upwards of 6,000,—a population greater than that of *Bedford*; and he might also state, that that town would be also left to itself, as far as respected any influence to be used by the Duke of *Bedford*. As he was on his legs, he would say a word as to the question before the House, and his feelings with respect to it. It appeared to him that the Government of this country had for years been carried on on principles of most unjustifiable and wasteful extravagance,—that patronage had been kept up for the purpose of maintaining the influence of the Crown, and that which was known by parliamentary influence, for the purpose of carrying measures into execution against the sense of the country. The people felt now,

more fully than at any former period, that they had not their just influence in the legislative councils of the nation, and they naturally sought for that change which would give it to them. He sincerely hoped and believed, that the measure now before the House would have that effect, that it would give them all they could reasonably desire. He hoped it would put an end to the monopoly so long maintained by the higher orders, and give a fair expression of the sense of the middling classes. In this view of the measure, it should have his cordial support.

Mr. *Baring*, in explanation, said, that from what fell from the noble Marquis, he feared that something had escaped him in the course of his remarks which was personally offensive. If he had said anything which could have been so construed, it must have escaped him in the heat of Debate, and he was sorry for it, but certainly he had not intended to do so. For the noble Duke whose name he had used he had the highest respect, and it was only justice to him to state, that there was nothing in his high mind which could warrant the imputation of obtaining undue influence by means of any measure of Government. He had never meant to impute anything of the kind, either to the noble Duke or to Government, connected with the measure before the House.

Viscount *Palmerston* was glad that the hon. Gentleman had an opportunity of assuring the House that the noble Lord had misunderstood some of his observations. In the greater part of what the hon. Gentleman said in the early part of his speech, he cordially concurred. He concurred with him in thinking that this was one of the most important subjects that ever was agitated in Parliament. He agreed with him that it was distinguished from all other measures, because most of the consequences of them could be calculated; but this measure could be tried by no test borrowed from experience. It must influence the character of the Government and the Legislature in all future time, and impress its influence on the whole frame of society. He could not describe its importance; and if he should undervalue it, he would be incompetent to discharge the duties of his office. He must be a bold, or a very unshrinking man who did not contemplate the measure with the deepest solicitude and the greatest anxiety; who could calmly and carelessly look at a

measure calculated to effect a great change in the character and constitution of the House of Commons—a House of Commons which, in spite of its defects, had for many years contributed so effectually to promote the happiness of the people. That Member of Parliament would be unfit for his duties, and unequal to the present crisis, who could look at a measure of that nature without being convinced that it demanded the most calm reflection. A love of change and a fondness for political experiment, were not characteristic of the people of England. They were, on the contrary, remarkable for a tenacious adherence to the institutions of their ancestors, and their aversion to innovations. They formed a striking contrast to their neighbours on the Continent, to whom allusion had been made, and who boasted of the newness of their institutions, while the English were proud of the antiquity of theirs. So hard, indeed, had it in general been found to effect the changes that were recommended by the greatest advantages, that those laws, which posterity would regard as the finest monuments of legislative wisdom, were only wrung from the reluctant people of England after many a hard-fought battle, and many years of protracted discussion. The laws which restored the Catholics to the Constitution, and the laws which put an end to the traffic in flesh and blood, were only carried after a contest of many years. The public voice now called for a change,—it demanded innovation—and this had not been brought about by any bow-window orators, or market-place politicians, as hon. Members supposed; it was the calm and steady determination of the intelligent and well-informed people of the empire. They saw that the change was reasonable—they saw that there were practical evils in the present constitution of the Parliament, and they sought a practical remedy. The hon. Gentleman said, that his right hon. friends might restore the country to quiet, and make the agitation cease. He said, that if the Government, and the Press, and the public would cease the agitation, we might retain our Constitution; but might not the hon. Gentleman suppose, when the Government, and the Press, and the public were all united, that his own opinion was fallacious? Public opinion called for a change. If he were asked for a proof of it, he would refer to the fact, that the right hon. Gentlemen opposite were sitting

there, while he and his friends were sitting on the seats they occupied. Hon. Gentlemen might say what they pleased, but it was not the difference about the Civil List,—it was not the reduction of the salaries of some half-dozen offices,—which caused the overthrow of the late Administration. The rock they split on was a rash neglect of public opinion. They had been buoyed up with confidence in their own powers. They spread abroad all the canvass of patronage. They thought to defy the gale of public opinion, but it wrecked and dismantled them. The besetting sin of the last Administration was a disregard of public opinion, both at home and abroad. That error had been fatal to themselves, and, not only to themselves, but to others. It had set all Europe in flames, and covered these islands with disorder. On the Continent the commotions were still raging, and he must be a bold man who would predict the issue of them. It was his belief, that they had imagined that a few men in authority would be able to overrule public opinion, and stifle the strongest feelings of mankind; and acting on such an opinion, had led to the most disastrous results, and produced that poverty and distress which had been adverted to, and that necessity for a change, which was universally acknowledged. It was only by the resolution of his Majesty's Ministers since the Government had been changed, that serious evils had been averted from this country. He would only refer to the state of this country in the month of November last, and ask what it now was; and ask if Ireland would now have been tranquil, except from the measures of his noble friend at the head of the Home Department, and the noble Marquis who presided over the Government of Ireland? He would suppose, that the late Ministers had remained in office, and that they had adopted all the measures for tranquillising Ireland which had been adopted by the new Ministers; and he would then affirm, that they could not have succeeded, because they had not the confidence of the country, and now, had they not retired, we should have been apprehensive of the dissolution of the empire. Not having public opinion with them, their best resolutions would have been paralysed. It was this strong expression of public opinion that made a change necessary, and that forced the House to consider and devise

measures to cure the defects in our representation, and win back the confidence of the people. It was asked, whence sprung this great desire for change? What had caused this rapid growth of a wish for Reform? He would answer, that it was not from any intrigue of individuals, and not from any ordinary election manoeuvres; but from the frequency, and, above all, the impunity of gross abuses. What was it, then, which for years had produced so much misgovernment—so much disregard to public opinion?—The gross bribery and corruption and undue influence, practised at elections, by means of which parties came into Parliament without constituents, or only with those whom they had purchased, and might sell again. When, then, by such practices the people were driven to tear aside the veil of sanctity with which hereditary respect had invested even the imperfections of the Constitution, it was impossible that they whose limited propositions of Reform had been rejected, should not be led to demand wider and more extensive changes. It was true, that there were some in the country and in that House, who thought that things should remain as they are, and who wished for no change; and there were many others who would now be willing to make some concessions, when an occasion offered for its being done in the way they desired it, or who would wait till they were driven to the necessity of Reform, by the impossibility of continuing to resist the voice of those who demanded it. The time, however, was gone by when such views could be safely entertained. If, three years ago, the conviction on this subject, which was now so general, had been permitted to enter the minds of the Members of that House—if, three years ago, when the great unrepresented towns demanded the concession of their political right to return Members to the Commons House of Parliament—if, at that period, the Legislature had permitted itself to be influenced by those impressions, which were now acknowledged to be so general—if the Government, instead of drawing nice equations of parliamentary interest, balancing with dexterity between contending classes, and with a sort of algebraical accuracy, bringing out a result that was equal to nothing, had condescended to attend to the claims then put forth—if the cry for Reform, even on so limited a scale, had then received the attention which it deserved, he

was confident that the House would not at that moment have been occupied with discussing that large and more comprehensive constitutional change, proposed to the House by the Paymaster of the Forces, under the sanction of the Ministers of the Crown. He (Lord Palmerston) had supported the proposition for giving Representatives to those towns, because he considered the principle which it involved was a wise, a just, and a salutary one; and because he felt, that if it were refused, they would speedily be compelled to give much more than the House was then called on to concede. His predictions were, at that time, condemned and disregarded, and the consequence was, that they were now placed in that very situation which he had warned them would be the consequence of the course they adopted. For reasons precisely similar to those which induced him to vote for the limited Reform then proposed, he was now prepared to support that larger and more ample change of the system of representation on which they were about to pronounce an opinion. Taunts had, in the course of the discussion, been unsparingly thrown out against some of those who supported the present measure, and who were, like him, admirers of the policy pursued by Mr. Pitt, and friends of the late Mr. Canning—that they had abandoned the principles those great men professed, and which they made the guide of their political career. Events might, he thought, have saved the admirers of Mr. Pitt and Mr. Canning, from a charge of this kind, and taught those who accused them to form a humbler and juster estimate of the value of political consistency. He should have thought, that they might have learnt by recent examples, the merit of which he would be the last man in the country to contemn, that a public man might change his opinions without being influenced by any grosser motive than the honourable and truly noble desire to promote the good and the welfare of his country. He should have thought, that they might have been taught by experience, on more points than one, that a public man should not carry the puerile vanity of consistency on one subject to an extent which would endanger the safety of the greater and more important interests that are mixed up with the matters committed to his care. Of Mr. Canning he entertained as high an opinion as any of those who professed

to be guided by his sentiments, or to follow his dictation ; but he would tell those who presumed to assert what would have been the particular opinions of Mr. Canning, had he lived to the present day, from quotations culled out of speeches delivered at particular times, and under circumstances very different from the present, that they were ill able to fathom the mind of the man or the depths of the principles by which his whole conduct was guided. If ever there was a man who took a large and enlightened view of public events and public policy, that man was Mr. Canning. If ever there was a Statesman who polarised his public course by an extended and liberal principle of action, and whose gigantic views it was impossible to bow down to any of the ordinary Lilliputian comprehensions of his species, that man was Mr. Canning ; and he was satisfied, that had he lived to mark the signs of the present times, and to bring his great and comprehensive intellect to an examination of the difficulties to be overcome, he would have been as ardent a supporter of the measures now proposed by the Government, as any of the friends he saw around him. If any man wanted a real key to the opinions and policy of Mr. Canning, he would find it in the memorable speech delivered in the month of February, 1826, on the question of the proposed alteration in the Silk-trade, and particularly in that concluding sentence, where he declares, in his own elegant and emphatic language, "That those who resist improvements because they consider them to be innovations, may be at last compelled to accept innovations when they have ceased to be improvements."* The course to be adopted in the year 1828, if they had yielded to the demands of the great manufacturing towns, was simple and easy. The course to be followed in the year 1831, from the change of circumstances and of times, was very different, and more difficult and complicated. At the former period a partial Reform might have been tolerated—now nothing but a general and comprehensive change in the system of Representation would be accepted. That which might have been given piece-meal and by degrees in 1828, ceased to be possible now, and there was no alternative left

to them but to embrace the course which the Government had adopted. In framing their plan, Ministers had cast aside every consideration but that of an honest performance of their duty, with a view to the permanent good of the country ; they had not laid nets to catch particular parties, nor set traps for some particular interests, but they had gone steadily forward to what they conceived the general good. There were some, he knew, who called the present Reform by the name of Revolution. There were others, he believed, who thought that it fell far short of what the people were entitled to demand ; but he was convinced that all educated and intelligent men, who admitted the importance of preserving and consolidating the constitutional institutions, would be satisfied that the plan now proposed was well adapted to the end which all had in view. Any man who looked at the workings of the present system must see, that there were five great and peculiar blemishes, which it was necessary to remove, in order to fit it for the intelligence and feelings of the times in which we lived. The first of these was the system of nomination by the patrons of boroughs ; the second, the gross and barefaced corruption which prevailed among the lower classes, when their votes become necessary to the higher ; the third, the absence of all adequate balances of representation with respect to the great manufacturing and commercial towns ; the fourth, the great expense of elections ; and the fifth, the very unequal and unjust distribution of the power of voting among the middle and lower classes. The plan then before the House applied to all these defects, and he was convinced that, if calmly and dispassionately examined, there was not an evil they generated for which it did not provide a sure and effectual remedy. It was impossible to contend, that the principle of returning Members at the command of a nominee was consistent with that theory of the Constitution by which that House was declared to be the Representative of the people of England. He did not mean to deny that some advantages were occasionally derived from this most objectionable practice. Men of splendid talents and great capacity had, he admitted, entered that House through such means, when no others were open to them ; and although elected under a system in which popular

* Hansard's Parliamentary Debates, vol. xiv. New Series, p. 855.

rights had no share, he did not mean to deny that the people had suffered from that circumstance, for many of those so nominated had become their warmest champions and their most distinguished supporters. He admitted, therefore, the force of the inference derived from this source; but when he found how impossible it was, to maintain in argument the practice of such nominations as consistent with the theory of a Representative Government, he was compelled to declare that no plan of Reform would be perfect or effective without the thorough and effective disfranchisement of all the boroughs which conferred this privilege on individuals. Without that disfranchisement, indeed, it would be impossible to carry the plan of Reform into effect, for how else were they to provide for the great commercial and manufacturing towns those Representatives, which all now admitted it was necessary to concede to them? That House was already sufficiently numerous, too numerous, indeed, for the convenient dispatch of public business, and unless they took from the close boroughs the Members which they were about to bestow on the counties, and the large unrepresented towns, they must add to the evil which was felt and acknowledged by all. The hon. member for Callington said, that the principle of the plan was bad, because it took population for its basis. He denied that it did so. The Ministers took property as the basis of the measure, and population as the rule for disfranchisement. The member for Callington, in speaking of the rule adopted with respect to disfranchisement, and in observing on the line which the Government had drawn with respect to the population of the close boroughs, seemed to intimate, that what had been done was meant with a view to protect particular boroughs, and to maintain untouched the political influence of certain powerful families. If he thought the hon. member for Callington really intended to cast such an imputation on the conduct and motives of the members of the Government, he certainly should, for one, be henceforward less disposed than he had been to entertain deference for his opinions on subjects of less weight than that they were now considering. He had, however, a triumphant answer for all that had been said or insinuated on that subject, for the borough of Tavistock had a population by more than 1000 above the line they had

drawn as the standard of disfranchisement; and, still further to relieve the mind of his hon. friend, the member for Callington, from the suspicion that the Government were guilty of sanctioning a proceeding (to which he would not attach the proper expression), he could inform him, that there were twenty-five boroughs inferior to Tavistock in point of population, but yet included in the number of those which retained the privilege of returning a Member to that House. The object the Government had in view in framing the Bill was, first, to give Representatives to the great manufacturing towns; next, to add to the respectability of the electors; and then to increase the number of those who claim to enjoy the right of choosing their Representatives. This had been done by conferring the right of voting generally on those who inhabited a house paying 10*l.* a year rent. The independence, too, of the electors was secured by throwing open the close boroughs to the inhabitants of the surrounding parishes, increasing their numbers, and making it impossible for any individual to control them. In making these alterations, the Ministers disclaimed any intention to sever the ties which bind together the middle classes and the aristocracy. On the contrary, it was their earnest desire to increase, rather than to diminish, that influence—an influence arising from good conduct and propriety of demeanour on the one side, and respect and deference on the other; and which was as honourable to those who exercised it, as to those who acknowledged its authority. The measure before the House was not intended to affect this power, for it gave additional reasons for supporting and defending it; but it was intended to destroy that corrupt influence which destroys all public principle, and debases the state of every class of society wherever it has existence. When, however, the hon. member for Callington contended that the measure had in reality put an end to all the power of the aristocracy, he (Lord Palmerston) was not called on to answer him, for he had supplied an answer to himself. The hon. Member seemed to forget, that in the arguments he used to prove that the Duke of Bedford would enjoy the same political influence as he did before, he also asserted, as a proof of the inefficacy of the working of the new system, that he would enjoy just the same extent of nomination and

authority in his borough of Callington as he at present possessed. Now that was the true view of the operations of the plan before the House. He contended that property, rank, and respectability would still maintain the same influence in the representation—an influence of which he should be the last man to deprive it, but which was now not to be maintained, in the present state of society, independent of good conduct, morality, and intelligence. It was the possession of those qualities, united with rank and station, which commanded admiration and respect; and if the measure excluded all influence not founded on this basis, so far from its being a ground of objection, he thought it one of the greatest benefits they could confer on that House and the country. The effect of the plan would be, by admitting householders paying a certain rent, to include a vast proportion of the more respectable of the middle classes of the country; and although an hon. and learned friend of his (Mr. Twiss) had been pleased to make himself exceedingly merry at the expense of these middle classes, of shopkeepers, and attorneys, and members of clubs at public-houses [*no! and hear!*] He did not quote from memory—he took down the words, and he repeated them,—the hon. Member did not explain in what respect the pot-wallopers and voters of the rotten burghs, whose rights he was so anxious to preserve, were superior to the attorneys and the shopkeepers. The hon. member for Callington had called the plan defective, because it admitted the pot-wallopers to exercise their rights at that moment, and took them away some ten or twenty years hence. His answer to that was, that the Ministers feared no danger which could make it inexpedient to leave with those persons the rights they at present enjoyed. They included among the voters the great majority of the respectable among the middle classes, and secure in the support which this will procure for the Government, they did not feel it necessary to make the disfranchisement more extensive than might be necessary to effect that object of binding closer the ties which ought to unite the middle classes to the State: and he would add, notwithstanding all the taunts with which that class might be assailed, that there never was a time when it contained so many men of intelligence and character—when its opinions were more entitled to confidence and respect—or its

members more distinguished by morality and good conduct—by obedience to the laws—by the love of order—by attachment to the Throne and the Constitution: in case of need, he sincerely believed they would be equally distinguished by devotion to their country; and this was one great reason with him for conceding to them their political rights, of which they had been too long deprived. The next evil to which he would allude was, the great expenses attending elections, arising from gross and disgusting bribery, and this cause of expense it was proposed to remove by the introduction of a respectable and honest body of voters. The present mode of election was the most offensive and disgusting that could be imagined, and any one who had been engaged in a general election, either in his own behalf or in behalf of a friend, would bear him out in this statement. They were told, on such occasions, that a third candidate was wanted, but that 10*l.* a-head, or 12*l.* must be paid—the half down, and the rest at the conclusion of the election; and some were even so generous as to give credit till the return was made. This species of abuse was chiefly practised by the non-resident voters, and by doing away with this class he trusted that the evil would at least be diminished. The hon. member for Preston had said, that the vice of selling one vote might be as great as that of selling a whole borough. In this he could not concur, because the sphere in which the influence of the one was confined was comparatively small, while the other was general, and the example might spread over and demoralize the whole country. The argument used for refusing Representatives to some of the great towns was, as he understood it, that they were at present virtually represented. He would oppose that argument by the converse of the proposition, and ask those who contended that the large towns were virtually represented by the Members of the small ones, why the small ones might not now content themselves with a similar advantage? If that point was put to the vote, he believed he should be sure of a majority. The doctrine of virtual representation was, however, not suited to the times, nor to the question before the House. The advantage of the present method of representation did not consist in the fact that there were 658 Members of intelligence and ability, but that they

were elected by a number of constituents as the Representatives of a number of different interests. If it were possible by any miracle to collect together an equal number of even more able and more intelligent men, still it would not be a House of Commons, because its Members could not possess that sympathy of feelings, and that community of interests, which exist between the Representative and the represented. Under the Representative system, if a House of Commons should by any means happen to be in advance of the knowledge of the time, and of public opinion, the nation was the more disposed to submit to the decrees of those who had previously been intrusted with their confidence, in proportion as the people entertained a full conviction of their honour and integrity. This state of connection, indeed, infused greater confidence on the one side, and greater security of sway on the other than could be obtained by any other means; and the more so, because the time returned periodically when it became their duty to give an account of the manner in which they had fulfilled their trust. There were many and strong objections to virtual representation, and they applied with great force to the manufacturing towns which were unrepresented, and the interests of which were seriously affected by almost all the measures that were discussed in Parliament. In fact, if there were any classes who required more than others proper Representatives, they were the inhabitants of large manufacturing towns—Representatives who understood their interests, and who might be ready to watch over them. For this purpose, the Government proposed to give thirty-six Members to the manufacturing towns; and because this was done, a cry had been raised that the balance between the agricultural and manufacturing interests was destroyed. But the plan proposed went to restore to the landed interest that influence which he thought indispensable to the safety and prosperity of the country, by giving fifty-five Members to the counties, and still further, by conferring votes on copyholders, and not permitting those who had votes for towns to enjoy the same privilege in counties. He looked, indeed, on the increase of the Members for counties as the surest and most stable basis of representation; for, without meaning to disparage the manufacturing or commercial interests, he must say, that he considered the soil to

be the country itself. The member for Callington had observed, that it was not morality, or good conduct, or public spirit, which governed these elections, but the length of a purse. This was the very evil the Bill was intended to cure. Many a man of integrity and intellect was compelled to retire in the middle of a county contest, because his fortune would not permit him to keep the poll open fourteen days, and pay the expense of post-horses; and that great practical grievance would now be removed. The great merit of the Bill, in his opinion, was, that it altered the distribution of political power, and restored the Constitution, by placing the middle classes in that situation to which they were entitled, and which was most likely to prove advantageous to themselves and to the community. There were men, he knew, who thought that public opinion should be cast out of consideration in the management of the machinery of the nation, and who were opposed to all change, because they believed that the House of Commons could carry on the affairs of the country with as much success in defiance of that public, as with its utmost concurrence and assistance. He trusted, however, that of those who did entertain that opinion, there would not on that occasion be found a majority in the House; for if there was, he believed the consequences of their determination would prove most unfortunate for their country. Those who thought that Sovereigns were secure, in proportion as they possessed the affections and the respect of those they were called on to rule, and that nations were powerful by the community of feeling, and community of interests which bound them together, would, he was satisfied, give their cordial and unqualified support to the proposition of his noble friend, and he had nothing further to say, than that he earnestly hoped, in the decision they were shortly about to come to, that the voices of such men would prevail.

Sir Robert Peel:—Sir, I must begin by assuring my noble friend, that the part of his speech in which he adverted to the delicacy and difficulty of his personal situation in this Debate appeared to me wholly unnecessary; for if my noble friend had not thought it right to explain the grounds which have induced him to adopt a different course from that which he pursued on a former occasion, still I, for one,

should not have drawn any unfavourable conclusion from his silence, or joined in the taunts of which he has complained. I have been placed in the same situation with my noble friend. I, too, have found it necessary, from a regard to the interests of the country, to adopt a different course from that which I had long conscientiously followed; and I ought, therefore, to be the last man in this House who would refuse to put an indulgent construction on the language, or to join in harsh conclusions with respect to the motives of public men. I never can allow it to be supposed that public men have not higher and nobler motives for their public conduct than the paltry desire to retain place; and the character of my noble friend, therefore, even if he had been silent, would have proved to me a sufficient guarantee for the rectitude of his intentions. Having thus imitated that generous courtesy which prevails in more deadly combats than that in which I am about to engage; having, as it were, shaken hands with my noble friend, and disclaimed all personal hostility, I trust I shall now be excused if I descend into the arena, and with perfect freedom apply myself to the speech of my noble friend. At the moment when we were anxiously waiting for a vindication of the measure before the House—at the moment when we wanted to know, not what popular opinion demanded from us, but what we were practically to gain from the adoption of the measure of the noble Lord—at that moment the noble Lord had thought fit to enter into an invidious comparison of the merits of the late and the present Administrations, and the greater part of his speech was composed—not of the arguments which the House so greatly desiderated, but of sarcastic allusions to the conduct and opinions of the late Administration, connected with an attempt—not a very successful one I admit—to magnify the deeds of the present Government at the expense of that Government which was lately honoured with his Majesty's confidence. My noble friend says, that if there had not been a change in the Government, the same results, in respect to the restoration of the public peace, and especially in Ireland, would not have taken place. In that opinion I am much disposed to concur. No party hostility shall ever prevent me from doing justice whenever justice should be done, or bestowing praise wherever

praise ought to be bestowed. I approve the course pursued by the present Home Department; I admire the conduct of the noble Marquis now at the head of the Irish Government; ever since he has re-assumed that office, I have seen nothing in his conduct but what entitles him to praise. I believe that there is some truth in what has been said by my noble friend, that had the late Administration been in office, they would not have been able to effect what has been effected by the present Administration. But should we have had the same assistance? Should we, if at a period of great excitement, if amid a loud and general demand for retrenchment, we had produced estimates of increased extent,—should we have found all party considerations yield to a feeling for the public service; or had we resorted to measures of extreme coercion, should we have found a united and generous disposition in all parts of the House to support the executive Government and supply it with the means of defeating whatever efforts might be made to disturb the public tranquillity? Sir, I will not enter into any comparison of the merits of the two Administrations. But let my noble friend recollect that the instrument which the noble Marquis at the head of the Irish Government has wielded, with his characteristic vigour and success, was an instrument placed in his hands by his Majesty's late Government; fabricated by their foresight, contrary to the opinion, and contrary to the wishes of many members of the present Administration. If we found it difficult to preserve peace in some districts of England for want of a local and constitutional force, let it be remembered that it was not by the late Government that the reduction of the yeomanry was effected. I cannot say that my noble friend, in his anxiety to blame his Majesty's late Government for their measures, has shewn himself a very acute or a very discreet advocate for the plan of Reform proposed by the noble member for Tavistock. For my noble friend says, that if, in the year 1828, the late Government had not refused to transfer the elective franchise from the borough of East Retford to the town of Birmingham, we should not be now discussing the question of Parliamentary Reform; for that single measure would have quieted the people on this subject, and would have given general satisfaction. If, Sir, from

so small an event such mighty consequences should have flowed,—if it really would have been possible, by so trifling a concession as the transfer of the elective franchise from East Retford to Birmingham, to have satisfied and conciliated all classes of the community, it is surely of great importance to inquire what is the paramount reason which should induce us at the present moment to make so extraordinary a change in the Constitution as that which is now proposed. My noble friend says, “Why did you not consent to the disfranchisement of East Retford?” Why, Sir, if I am not greatly mistaken, my noble friend and myself entered the House together on that fatal night which led to the dissolution of the late Government, and my noble friend and myself had intended to give our votes on the same side upon that occasion; but the effect of a taunt upon my late right hon. friend, Mr. Huskisson, compelled him, in obedience to his feelings, to deviate from the course which he had intended to adopt, and which, out of a delicate sense of honour, led him to tender his resignation. If, therefore, there was so much blame due for the rejection of that measure, my noble friend cannot entirely exclude himself from some participation in it. But, to pass from that topic, my noble friend says, that if in 1828 we had consented to transfer the elective franchise from the borough of East Retford to the town of Birmingham, there would not have been the least necessity for agitating at the present moment the question of Parliamentary Reform, for that that would have satisfied the whole country. What! would my noble friend himself have rested satisfied with the existing state of the representation, notwithstanding the five grand defects which he has just described as existing in it? Would my noble friend have rested satisfied to let so gross a system of corruption as that which he now finds it convenient to deplore, continue without any attempt on his part to rescue the country from its baleful influence? My noble friend says, that Mr. Canning, if he had lived, would have pursued a different course from that which we, who oppose this Bill, are pursuing. My noble friend undertakes to say, that if Mr. Canning were living, he would raise his voice in favour of the plan which his Majesty’s Government have brought forward. Oh, would to God that he were here!—

Tuque tuis armis, nos te poteremur Achille!
Would to God that he were here to confound the sophistry and fallacies of reformers, and to win back the people, by the charms of truth and eloquence, to a right appreciation of the form of government under which they live! If Mr. Canning had lived, and had changed his opinions on this or any other subject, none but high and generous motives would have influenced his course, and he would have come forward boldly and manfully to avow and vindicate his change of opinion. But in no expression that ever fell from the lips of Mr. Canning—in no one step in his brilliant and noble career, can I trace the slightest indication of the probability of any such change. My noble friend, however, says he has discovered some expressions, proceeding from Mr. Canning, which justify his supposition. And where does my noble friend find those expressions?—Why, in a speech made by Mr. Canning, in the year 1826, upon the Silk-trade! But does my noble friend forget that one whole year afterwards, in 1827, Mr. Canning being head of the Government, and the question being, not Silk, but Reform, Mr. Canning rigidly adhered to all his former opinions? The question was, what should be done with the franchise of the borough of Penryn,—whether it should be thrown open to the adjacent hundred, or transferred to the town of Manchester? Did Mr. Canning do violence to his own judgment, and make that concession to public opinion which my noble friend now demands, or did he not refuse the slightest concession, and submit to be in a small minority, rather than abate one jot of his resistance to Reform? When my noble friend, therefore, imputes to the conduct of public men, in the years 1827 and 1828, the necessity for Parliamentary Reform, which, he says, exists at present, tenderness for the fame of Mr. Canning ought to prevent so indiscriminate an accusation. I now come to the tremendous Question before the House; but before I approach the consideration of it, I must give vent to feelings of pain and humiliation, which I cannot adequately express. I am asked, I will not say to make a Revolution in the country, but, as was properly said by the hon. member for Callington, to substitute for the present a different Constitution; and I am not invited to do this after a calm and dispassionate inquiry, but to

take this hasty step by an appeal to motives, which, if I permitted them to influence me, would brand me with disgrace. I am desired—expressly and repeatedly desired—not to subject my fears to my judgment, but my judgment to my fears; to defer to authority which I cannot recognise; and to consult my own personal interest, by averting the threatened penalty of a dissolution. I would ask, why the King's name is introduced in this discussion? Why has it been stated day after day to the country, that this plan has received the particular sanction of the King? As to the reference that has been made to the discussion on the Catholic Question, the cases have no similarity. On that occasion it had been publicly stated, that the measure had not the sanction of the King, and the Ministers had then no alternative but to declare that the measure was brought forward with the sanction of the King. But when a measure like this is introduced by the Administration—when the King's consent must be presumed—when it is not called in question, is it necessary, day after day, in both Houses of Parliament, and in the public press, to state that this measure has received the approbation of his Majesty, and not only the approbation, but the written sanction of the King? I assume that such is the fact. But granting the fact, it is no imputation on my profound respect and loyalty towards his Majesty, if I disregard that circumstance; and if, admitting that the noble Lord's plan has the sanction of the King, I nevertheless, as a Member of Parliament, exercise my judgment as unreservedly upon the Question, as if that sanction had not been so indefatigably proclaimed. But, Sir, I regret on other grounds that it has been thought necessary by the friends of the measure, to introduce the name of the King in connexion with it. I will not now discuss the right or the expediency of the sweeping disfranchisement that is proposed. But I am sure it will be granted to me, that the measure is at least one of great harshness towards a number of corporate bodies of proved loyalty to the Crown, which are suddenly called upon to sacrifice privileges of which they have been long and justly proud. Why hold out to those bodies his Majesty as the approver, almost as the especial author of the plan by which these privileges are to be invaded? I had thought the King was

the fountain of grace and favour; but it now seems as if his Ministers shrunk from their proper share of their own acts, and transferred to their Sovereign the odium of this plan of disfranchisement. I do not think that it is right or decent to aggravate the injury which the corporate bodies of this country are to sustain, by telling them that it is inflicted at the instigation and by the hand of their King. I have further to complain of the menace of dissolution which has been thrown out by some members of his Majesty's Government. I will not stop to inquire whether or not it is probable that that menace will have any effect. For myself, I care not for it; for I should be unworthy of a seat in this House if I were to permit myself to be influenced by it. Dissolve Parliament if you will; I care not much whether I am returned again or retire altogether into the obscurity of private life; but if I did feel any extreme anxiety on this head, I would go to my constituents with your Bill in my hand, and I would put forward, as my especial claim for a renewal of their confidence, my determined opposition to its enactments. I will go to a community which consisted, in 1811, of between 7,000 and 8,000 persons; I will go to a borough which, whatever may have been the case in 1821—in 1831, contains above 4,000 souls; and I will tell my constituents, 400 or 500 in number; many of them not paying a rent of 10*l.*, but entitled to vote as resident householders paying Church and poor-rates; I will tell them, that to this Bill, brought in without proof, or even argument, of its necessity, so far as it concerns them, I opposed myself to the utmost extent of my power. I will tell them that I did my utmost to preserve to them the privilege they at present enjoy, and which the humblest of them never abused—by the solicitation or acceptance of a bribe. Those constituents received me with kindness at the time when I was subjected to the indignity of expulsion elsewhere, for doing what I conceived to be an act of duty—an act beneficial to the country, but especially beneficial to that Church of whose interests I was bound to be the guardian. Shortly after I lost that proud distinction to which I have just adverted, my present constituents received me; and I will not, till some better reasons are brought forward, repay their kindness by being a party to their disfranchisement.

Sir, another, and a still more alarming menace has been thrown out by the advocates of the Bill. I am told by them that the alternative before me is the adoption of that Bill, or civil commotion. I am to be deterred from forming a deliberate judgment on a most important public question by the prophetic visions of massacre and confiscation. Such were the words used last night by the hon. member for Calne. Let me ask the friends of the Bill why I am to allow myself to be scared by this intimation? Why may I not form the same deliberate judgment on this Bill, which you, who have introduced it, formed on the bill which was introduced last year by a noble Lord (Lord Blandford)? By your opposition to that bill you did not imply that you were opposed to all Reform; you merely implied that you objected to that bill. It is the same with me in this case. Again, on the same principle on which you, who support the Bill, reject the application of the people for Vote by Ballot, why am not I at liberty to reject your Bill? Why am I to yield to popular clamour and violence, when the noble Lord opposite has not yielded to them when they demanded the Repeal of the Union? We were told last night, that if we rejected this proposition, we, the individual Members who so rejected it, would be held responsible for the consequences. "We will shift from our own shoulders," say his Majesty's Ministers, even at this early period of the agitation they foresee, "the responsibility of having provoked it. We have proved our incapacity to govern, but we will shew you our capacity to destroy, and hold you responsible if you obstruct us." Oh no, Sir! On their heads shall be the responsibility of this mad proceeding. I, for one, utterly disclaim it. For what am I responsible? Was it I who raised the stormy waves of the multitude? Was it I who manifested my patriotism by exerting all my powers to excite the people to discontent with the existing Constitution? Did I taunt the people with their indifference to Reform, with having closed their ears to the voice of the charmer, charm he never so wisely? with having lived in the lazy enjoyment of practical good, and disregarded the promises of visionary improvement? Was it I who called for the Pension List of the Privy Council, for the express purpose of holding up the members of that Council to public indignation? Did I draw in-

vidious comparisons between a great naval Commander and the Civilians who presided over the department of the Admiralty? Did I ever doom to public obloquy that hapless First Lord who should be so grasping of emolument as to include in his own Estimates 5,000*l.* per annum for his own salary? Did I, at a moment when the events of Paris and Brussels had caused great public excitement, when various causes were conspiring to agitate the public mind, did I express my misplaced admiration of the conduct of assembled thousands who were supposed to have flaunted in the face of their King the emblem of a foreign Revolution? Sir, if there be men who, having thus excited the passions of the people, and spurred their lazy indifference, bring forward the Question of Reform at a time when all prudential considerations, whether with reference to foreign or to domestic topics, ought to have forbidden such a step,—if, I say, disappointment should follow their rash undertaking, I will never, while I have a voice in this House, allow them to hold me or any other individual Member of the House responsible for the consequences of their infatuation. I am told that an appeal will be made to the people. I beg not to be included among those who are charged with making any one observation disparaging to the middle classes of society in this country. I repudiate such sentiment—sprung as I am, from those classes, and proud of my connexion with them. So far am I from underrating their intelligence or influence, that I tell you this,—you who talk of appealing to the people,—that unless these middle classes shall shew more prudence, more judgment, and more moderation than their rulers, I shall despair of the destinies of my country. There are happy indications, however, which induce me to think that the confidence which I repose in the prudence, the moderation, and the judgment of the middle classes of society has not been misplaced. You have all heard what the noble Lord opposite, the Chancellor of the Exchequer, said, with respect to the supposed exhibition of a tricoloured flag at the Palace of St. James's; but have you also heard the indignant refutation of that charge which was laid on your Table by a portion of the middle classes of society? So far from thinking that it was becoming in them to wave under the windows of their Sovereign the

memento of a fallen dynasty,—so far from thinking that it was decent, that it was consistent with the patriotic feelings of Englishmen to prefer any foreign standard to the flag which

—has braved for a thousand years

The battle and the breeze ;

these people, these middle classes of society, presented an Address to this House, in which, so far from accepting the vindication which had been offered for their conduct in the supposed use of the tri-coloured flag, they stated, “that they felt themselves much aggrieved by certain observations and misrepresentations made on the 9th instant, which conveyed a charge of a most foul and disgraceful nature, and an approach even to the foul crime of treason.” Sir, so far were they from intending to express any approbation “of the beautiful days of Paris,” that they assured the House, that the flag they so unfortunately displayed “was nothing more than four specimens of silk, of different colours, of exquisite workmanship, curiously sewed together, and manufactured expressly for the occasion by Messrs. Lee and Bousfield, of Cheapside.” It is, Sir, from this expression of just indignation, and this natural explanation of the quadricolour flag, that I feel redoubled confidence, that the middle classes of this country, notwithstanding the bribe of power by which it is attempted to cajole them, have too much of self-denial and too much of good sense to wish to invade that admirable Constitution under which they, of all classes, have especially flourished. If I must appeal, not to the reason and calm judgment of this House, but to some extrinsic and higher authority,—the feelings and wishes of the people,—why, then, I have nothing to hope for but that, before the people of England approve of this Bill, they will listen to a calm and temperate appeal in behalf of what the noble Lord calls, with somewhat of cruel mockery, the old English Constitution. I hope they will consider that the Constitution of a Government is a matter of extreme delicacy and importance ; that it is a most complex machine, not to be judged of by the examination of any isolated part which may be put forward for the purpose of exciting abhorrence ; but demanding a comprehensive view, not only of the structure as a whole, but of its practical effects. It was well said by Mr. Canning, whose language,

however, I will not attempt to quote, that, in judging of any form of government, we should bring to the consideration of it the same caution, the same distrust in our own knowledge, with which we should pronounce upon some mighty and complex piece of mechanism. There may be detached movements that we do not comprehend—movements which, to the superficial and ignorant, may seem not only useless but pernicious ; but, surely, we must not condemn them if there be harmony in the working of the whole machine, and if its object be completely effected. “Look (said Mr. Canning) at the frame of man—it is fearfully and wonderfully made ! yet this frame of a created being—‘so noble in reason—so infinite in faculties—in apprehension so like a God,’—has parts, and performs functions which, if they are to be separately regarded, provoke feelings of abhorrence and disgust.” Sir, let the people recollect that the writers of ancient times, who existed upwards of a thousand years ago, and could have no partiality for the British Constitution—that mere speculative writers, discussing, *à priori*, the various forms of government, either despaired altogether of the formation of such a Constitution as ours, or described it as the most perfect of all. Can there, by possibility, be a better description of the British Constitution than that contained in the words of Cicero, “*Statuo eam esse optimè constitutam rempublicam*”—I do not know whether I quote the words correctly—“*quæ ex tribus generibus illis regali, optimo, et populari, modice confusa.*” Another eminent writer of antiquity (Tacitus), speaking of forms of government says, that all forms of government must consist either of king, nobles, or the people, or a combination of all these elements the practicability of which he doubts “*Cunctas nationes et urbes populus aut priores, aut singuli regunt.*” “*Delecta ex his et constituta reipublicæ forma, laudari facilius quam evenire ; vel, si evenit, haud diuturna esse potest.*” Such, Sir, are the dicta of great writers on the abstract question of the modes of government. The British Constitution has been made a subject of praise by every writer who has touched upon the question. I have heard quotations from Mr. Canning, from Mr. Burke, and from other great men now no more, in assertion of the excellence of the British Constitution, but

to these I will not refer, for I have a higher and a living authority on the same subject. I will venture to say, that if the House will permit me to substitute it for my own imperfect praise, I will read to it one of the most beautiful panegyrics on the English Constitution, and more especially on the constitution of this House, that wisdom and truth have ever produced. The author of this panegyric is the noble member for Tavistock, alas! too, the author of a proposal fatal to the object of his praise. Sir, in quoting this speech, I beg that the noble Lord who now proposes to lay violent hands on what was once the theme of his warmest admiration, will not imagine that I am about to upbraid him with inconsistency on account of his having altered his opinion. If he has changed his opinion, I am sure it is from a sense of duty; but, change that opinion as he may, he cannot gainsay the eternal truths which he himself has put upon record in language worthy to convey them. Sir, it was in the year 1819, on a motion which was brought forward for Reform in Parliament, that the noble Lord made the speech which I am about to quote. The question put to him was this—"Why not disfranchise also the unconvicted boroughs?"—What was the answer of the noble Lord?—"To this" says he "I answer, that I do not, by any means, maintain that the resolutions I now propose comprise all the amendments that can be made in the frame of this House. Whenever a specific proposition is made, I shall be ready to give it all my attention, and, if I can approve of it, to adopt it. But I do not, at present, I confess, see any rule by which any unconvicted borough can be disfranchised without disfranchising the whole." He goes on to say, "we then arrive at what is called a reform upon principle, or the re-construction of the entire House of Commons." Therefore, Sir, I have the authority of the noble Lord himself for this explanation of the character and effect of his present proposal, that it is neither more nor less than an entire re-construction of the House of Commons.—Says the noble Lord—"We then arrive at what is called a reform upon principle, or the reconstruction of the entire House of Commons. Now, Sir, I will not dwell upon the arguments which are generally used to repel such a proposition; arguments resting chiefly upon the advantage of admitting

men of talent into this House, by means of the close boroughs; and on the danger that an assembly of popular delegates would overthrow the two other branches of the Legislature. But I cannot forget that these arguments have been urged, not, as some out of doors endeavour to persuade the people, by boroughmongers anxious to defend their own vile interests, but by some of the greatest, the brightest and the most virtuous men whom this country ever produced. I cannot say, however, that I give entire credit to these arguments, because I think that, in political speculation, the hazard of error is immense, and the result of the best formed scheme often different from that which has been anticipated. But for this very reason I cannot agree to the wholesome plans of Reform that are laid before us. We have no experience to guide us in the alterations which are proposed, at least none that is encouraging. There is, indeed, the example of Spain. Spain was formerly in the enjoyment of a free Constitution; but in the course of the fifteenth century many of the towns fell into the hands of the nobility, who, instead of influencing the election of Members to Cortes (the practice so much reprobated in this House), prevented their sending Members at all. The consequence was, that when a struggle took place between the King and Cortes, the aristocracy feeling no common interest with the representative body, joined the Crown, and destroyed for ever the liberties of their country. The Constitution of this country is not written down like that of some of our neighbours. I know not where to look for it, except in the division into King, Lords, and Commons, and in the composition of this House, which has long been the supreme body in the State. The composition of this House by representatives of counties, cities and boroughs, I take to be an intimate part of our Constitution. The House was so formed when they passed the Habeas Corpus Act—a law which, together with other wise laws, Mr. Cobbett himself desires to preserve, although, with strange inconsistency, whilst he cherishes the fruit, he would cut down the tree. This House was constituted on the same principle of counties, cities, and boroughs, when Montesquieu pronounced it to be the most perfect in the world. Old Sarum existed when Somers and the great men of the Revolu-

tion established our Government. Rutland sent as many Members as Yorkshire when Hampden lost his life in defence of the Constitution. Are we then to conclude that Montesquieu praised a corrupt oligarchy?—That Somers and the great men of that day expelled a king in order to set up a many-headed tyranny?—that Hampden sacrificed his life for the interests of a boroughmongering faction? No! the principles of the construction of this House are pure and worthy. If we should endeavour to change them altogether, we should commit the folly of the servant in the story of Aladdin, who was deceived by the cry of ‘New lamps for old.’ Our lamp is covered with dirt and rubbish, but it has a magical power. It has raised up a smiling land, not bestrode with overgrown palaces, but covered with thick-set dwellings, every one of which holds a free man, enjoying equal privileges and equal protection with the proudest subject in the land. It has called into life all the busy creations of commercial prosperity. Nor, when men were wanting to illustrate and defend their country, have such men been deficient. When the fate of the nation depended upon the line of policy she should adopt, there were orators of the highest degree placing in the strongest light the argument for peace and war. When we were engaged in war, we had warriors ready to gain us laurels in the field, or to wield our thunders on the sea. When, again, we returned to peace, the questions of internal policy, of education of the poor, and of criminal law, found men ready to devote the most splendid abilities to the welfare of the most indigent class of the community!” And then exclaims the noble Lord, with just and eloquent indignation at the thought:—“And, Sir, shall we change an instrument which has produced effects so wonderful, for a burnished and tinsel article of modern manufacture? No! small as the remaining treasure of the Constitution is, I cannot consent to throw it into the wheel for the chance of obtaining a prize in the lottery of Constitutions.” Now, Sir I think I have fulfilled my promise, that I would present the House with as just and beautiful a panegyric on the British Constitution, as emphatic a warning against the danger of tampering with it, as practical wisdom ever uttered. Let it not be forgotten, that this speech was delivered in the year 1819,—a period when the internal state

of the country was such, that almost every page of your Debates teems with the proofs of internal disorder. There was a Seizure of Arms Bill, a Blasphemous Libel Bill, a Seditious Meetings Prevention Bill, a Newspaper Stamp Duty Bill, and a Bill to prevent Training and Exercise, each following the other in sad succession. Why, Sir, there might be in 1819, when these Six Acts of coercion were necessarily introduced,—there might be in the circumstances of the time some justification for the measure of reform. The member for Calne might then have said with some plausibility, “You have exhausted every measure of restraint,—try now the measure of Reform:” but it is strange to hear that argument used in 1831, when every one of the coercive measures of 1819 has been blotted from the Statute-book.—Now, Sir, allow me to ask the noble Lord, in his own emphatic language, “What cause should now induce me to exchange the old lamp for a burnished and tinselled article of modern manufacture?” And if some deputy from the trading company of which we heard last night—if some agent of Althorp and Co.—some dealer in the new lights—should offer me his tinsel lamp in lieu of the old one, am I not at liberty to spurn his offer, and would it not be just to inflict on him the penalty of reading, in a sonorous voice, his own speech in condemnation of his own article? It has been insinuated that among those who oppose this measure, are some who wish to convert it into the instrument of recovering power for themselves. Disclaimers of the wish for power are apt to find no favour, and I say little on that head; but to a certain extent I must explain myself. When last in Office, I could not have proposed Reform as a Minister of the Crown. I deprecated the agitation of such a question at the instance of the Crown. But having left Office, and being reduced to the station of a private individual, I was then at liberty to take other views of this subject. I had to balance the danger of moderate Reform against the monstrous evil of perpetual change in the executive Government of this country; and I do not hesitate to avow, that there might have been proposed certain alterations in our representative system, founded on safe principles, abjuring all confiscation, and limited in their degree, to which I would have assented. I see a smile on the faces of some hon. Gentlemen

opposite. I am speaking with the utmost unreserve and sincerity. I never conferred upon this point, upon my honour, with any individual whatever. I am not stating this as an indication of any other plan which I have to propose. I am stating the course which I should have taken as a private individual, having a deeper interest in the prosperity of this country than any that I could possibly have in a return to office. But in this plan, which proceeds upon so extensive a principle, amounting, in fact, to a reconstruction—to use the words of the noble Lord himself—of this House, I cannot concur; and I so wholly despair of modifying its provisions in any way, that when the time shall come, I shall have no alternative but to give my positive dissent to the proposed measure. I do this because I am wholly dissatisfied with it. Having listened attentively to the plan, I am wholly unconvinced by the arguments of the noble Lord. Really, Sir, I fear I am wearying the House; but the subject is of such immense importance that it constitutes an apology even for unseasonable length. Let me then address myself to the arguments of the noble Lord. They are arguments which, if good for anything, will preclude this from being the final change. We shall be bound to proceed further. The noble Lord said, with some inconsiderate frankness, that he found the Constitution of this country in the 25th of Edward 1st, and the Statute "*De tallagio non concedendo*." The Constitution of England in the reign of Edward 1st!—And what did he find there?—that no taxes could be imposed without the consent of the whole commonalty of the realm; and therefore, says the noble Lord, "if this be a question of right, as I contend it is, the right is on the side of the reformer." These are the noble Lord's own words. But if it be a question of right, and if the right be on the side of the reformer, why, I would ask, does the noble Lord limit the franchise to particular districts and particular classes? Why confine the privilege of voting to those who rent a House rated at 10*l.* a-year. The law knows no distinction in this respect between the contributors to the support of the State. Yet the noble Lord not only refuses the right of voting to persons rated at less than 10*l.*, but he also disfranchises many who contribute to the public taxes, and who now possess

the privilege of suffrage. I conceive the noble Lord's plan to be founded altogether upon an erroneous principle. Its great defect, in my opinion, is that to which an objection has been urged with great force and ability by the hon. member for Callington. The objection is this—that it severs all connexion between the lower classes of the community and the direct representation in this House; I think it a fatal objection, that every link between the representative and the constituent body should be separated, so far as regards the lower classes. It is an immense advantage that there is at present no class of people, however humble, which is not entitled to a voice in the election of representatives. I think this system would be defective if it were extended further; but at the same time I consider it an inestimable advantage, that no class of the community should be able to say they are not entitled, in some way or other, to a share in the privilege of choosing the representatives of the people in this House. Undoubtedly, if I had to choose between two modes of representation, and two, only, and if it were put to me whether I would prefer that system which would send the hon. member for Windsor, or that which would return the hon. member for Preston, I should, undoubtedly, prefer that by which the hon. member for Windsor would be returned; but I am not in this dilemma, and am at perfect liberty to protest against a principle which excludes altogether the member for Preston. I think it an immense advantage that the class which includes the weavers of Coventry and the pot-wallopers of Preston has a share in the privileges of the present system. The individual right is limited, and properly limited, within narrow bounds; but the class is represented. It has its champion within your walls, the organ of its feeling, and the guardian of its interests. But what will be the effect of cutting off altogether the communication between this House and all that class of society which is above pauperism, and below the arbitrary and impassable line of 10*l.* rental which you have selected? If you were establishing a perfectly new system of representation, and were unfettered by the recollections of the past, and by existing modes of society, would it be wise to exclude altogether the sympathies of this class? How much more unwise, when you find it possessed from time immemorial

of the privilege!—to take the privilege away, and to subject a great, powerful, jealous, and intelligent, mass of your population to the injury—aye, and to the stigma, of entire uncompensated exclusion! Well, but, says my noble friend (Viscount Palmerston) “Our plan at least does this—it cures that anomaly, that absurdity of the present system, which gives to voters the right of voting for places where they do not reside.” My noble friend is shocked, that men who have, or who may acquire the right of voting for places in which they do reside, should enjoy the right of voting for other places from which they are habitually absent. Well, Sir, this at least must be admitted, that my noble friend is liberal in thus consenting to the disfranchisement of a great majority of his own constituents, the non-resident Masters of Arts of Cambridge.

Lord *Palmerston*.—They will still continue to vote; the rule of non-residence will not apply to Universities.

Sir *Robert Peel*.—Not apply to the Universities! Every non-resident voter in England to be disfranchised, except non-resident Masters of Arts! And do you think that the disfranchised class will acquiesce in the reason and justice of this exception? Why may not the non-resident voter of Norwich, who cannot find employment in the place of his nativity—who is earning an honest subsistence in London—why may not he plead just as good a reason for his absence from the town, where he is now entitled to vote, as the non-resident clergyman of Cambridge or Oxford? And mark the difference; the latter will almost certainly acquire, under this very Bill, the right of voting for a district in which he does reside—the former may, probably, never be able to acquire it. To the one you give a new right of voting, and also continue to him the possession of the old one; while, to the latter, you give no new right, and yet you deprive him, for a reason which equally applies to both—namely, non-residence—of the privilege of which he is now possessed. And this is your notion of justice and conciliation! A word more as to the disfranchisement of non-resident voters. One of the loudest complaints we now hear is directed against the influence exercised over voters by their landlords. We have petition after petition pointing to what has occurred at Newark and Stamford, as one of the strongest proofs of

the defective state of our representative system. What is the effect of your Bill? It is to confine the right of voting to a class, the great majority of which must be tenants subject to the influence of their landlords; and to deprive of the right of voting that class whose right accrues from their being freemen of a Corporation on account of birth or servitude—who are all liable, as others are, to the temptation of bribery—but who possess an inalienable right of voting, not acquired by, and in no way dependant on, the will of the aristocracy. These considerations, Sir, however important, are but subordinate, when compared with the changes which must take place in the practical working of the Constitution. In defence of it, we have frequently referred with exultation to the names of those men who were indebted for their first return to Parliament to some borough of comparative insignificance, and who, had that avenue not been open, might, probably, have never had the opportunity of distinguishing themselves in the public service. This argument has been met, in the course of this Debate, by two observations. The first fell from the member for Westminster, the second from the Member for Calne. Says the member for Westminster—and the remark comes with a bad grace from a man of his ability—“I admit that the small boroughs return frequently very able men, but I think we have had too much ability; we have suffered much from the talents of able men; and I want a system of representation which will give us honest rather than able men.” I reply, first, that it is absurd to suppose that the man of ability will be less honest than the man of no ability; and, secondly, that any system which tended to exclude from this House men of the first ability of their day, would be a great practical evil. If the average of the talent and general acquirements of this House should ever be below the general average of society, this House would sink in public estimation, and the distrust in our opinions and judgments would very rapidly spread downwards, from the class of persons more enlightened than ourselves, to the great mass of society. The second observation to which I have referred fell from the member for Calne. He, too, admits that men of first-rate ability have occasionally owed their entrance into Parliament to small boroughs. “But then,” says he,—and says very

justly,—“we must judge of every human contrivance, not by its accidents, but by its tendencies.” “No plan of selection (says he) could be hit upon which would not give you occasionally able men;—take the hundred tallest men that you meet in the streets, you will, probably, have some able men among the number.” The cheers with which this remark was followed were so encouraging, that the hon. gentleman proceeded to illustrate his arguments by various other instances. “Take (says he) the first hundred names in the *Court Guide*,—adopt any other principle of selection that you will,—occasionally and accidentally able men will be ensured by it.” Now, Sir, I am content to try the merits of our present representative system by the hon. Member’s own test. I repeat with him, that it is by tendencies, and not by accidents, that we are to judge of its merits. For the purpose of submitting those merits to that test, I wrote down this morning the names of those distinguished men who have appeared in this House, during the last forty or fifty years, as brilliant lights above the horizon, and whose memory, to quote the expression of Lord Plunkett, has had buoyancy enough to float down to posterity on the stream of time. I made this selection of these men, in the first instance, without a thought of the places they severally represented. I looked to their ability and their fame alone. If I have omitted any, their names may be added, but I believe the list I shall read will contain all the names that are of the highest eminence. It includes the names of Dunning, Lord North, Charles Townsend, Burke, Fox, Pitt, Lord Grenville, Sheridan, Windham, Perceval, Lord Wellesley, Lord Plunkett, Canning, Huskisson, Brougham, Horner, Romilly, Tierney, Sir William Grant, Lord Liverpool, Lord Castlereagh, Lord Grey. I will now read the names of the places for which they were respectively returned, on their first entrance into public life:—Dunning was returned for Calne—Lord North for Banbury—Burke for Wendover—Charles Townsend for Saltash—Pitt for Appleby—Fox for Midhurst—Lord Grenville for Buckingham—Sheridan for Stafford—Windham for Norwich—Lord Wellesley for Beeralston—Perceval for Northampton—Plunkett for Midhurst—Canning for Newton—Huskisson for Morpeth—Brougham for Camelford—Romilly for Queenborough—Horner for Wendover

—Lord Castlereagh for the county of Down—Tierney for Southwark—Sir William Grant for Shaftesbury—Lord Grey for Northumberland—Lord Liverpool for Rye. These are the names of, I believe, the most distinguished men of the times in which they lived. They are twenty-two in number. Sixteen, on first entering public life, were returned for boroughs every one of which, without an exception, the noble Lord proposes to extinguish. Some few of these distinguished men owed, it is true, their first return to a more numerous body of constituents. Mr. Sheridan was first returned for Stafford—Mr. Windham for Norwich—Lord Castlereagh for the county of Down—Mr. Tierney for Southwark—Lord Grey for Northumberland—but it is equally true that, for some cause or other, either the caprice of popular bodies, or the inconvenience of Ministers of the Crown sitting for populous places, in every one of these cases the honour of the populous place is relinquished for the repose of the small borough. Mr. Sheridan quits Stafford for Ilchester—Mr. Windham takes refuge in Higham Ferrers—Mr. Tierney prefers Knaresborough to Southwark—Lord Castlereagh rejects Down for Orford—and Lord Grey consoles himself for the loss of Northumberland by appealing, with success, to the electors of Tavistock: Now, then, I have applied your own test, I have looked not to accidents but to tendencies, and I ask you, whether the tendency of the present system of representation is not to secure to distinguished ability a seat in the public councils? But, after all, this question must be determined by a reference to still higher considerations. The noble Lord has pointed out the theoretical defects in our present system of representation; he has appealed to the people; he has desired them to accompany him to the green mounds of Old Sarum, and the ruined niches of Midhurst. I, too, make my appeal to that same people. I ask them, when they have finished poring over the imputed blots in their form of Government, when they have completed their inspection of the impurities of Old Sarum, and Gattin, and Midhurst, I ask them to elevate their vision, *Os homini sublime dedit*, to include within their view a wider range than that to which the noble Lord would limit them. I ask them to look back upon a period of 150 years—to bear in mind that their Constitution, in its

present form, has so long endured,—and I ask them where, among the communities of Europe, do you find institutions which have afforded the same means of happiness, and the same security for liberty? I conjure them to bear in mind the result of every attempt that has hitherto been made to imitate our own institutions. In France, in Spain, in Portugal, in Belgium, the utmost efforts have been exhausted to establish a form of government like ours,—to adjust the nice balance between the conflicting elements of royal, aristocratical, and popular power—to secure the inestimable blessings of limited monarchy and temperate freedom. Up to this hour these efforts have signally failed—I say not from what causes, or through whose fault—but the fact of their failure cannot be denied. Look beyond the limits of Europe, and judge of the difficulties of framing new institutions for the government of man. If power can be so safely intrusted to the people—if they are so competent to govern themselves—such enlightened judges of their own interests, why has it happened that, up to this hour, every experiment to establish and regulate popular control over executive government has, with one single exception, failed? Where are the happy republics of South America? What has obstructed their formation? What has prevented the people from exercising the new power conferred upon them to the advancement of their own interest, and the confirmation of their own liberties? Let us beware how we are deluded by the example of a single successful experiment—how we conclude, that because the form of government in the United States is more popular than our own—that it would be safe, therefore, to make ours more popular than it is. The present form of the American government has not endured more than forty years. It dates its institution, not from the establishment of American independence, but from the year 1789. Even within that period, the spirit of that government has undergone a change,—it is not the same as it was at its original formation; its constant tendency has been towards the establishment of a more pure and unmixed democracy. If I were to grant, that it is a form of Government constantly tending towards improvement, that it is calculated permanently to guarantee vigour in war and internal repose, and to meet all the growing wants of a great

nation, still the circumstances of the two countries are so totally different, that no inference could be drawn from the success of such a form of government in the United States, in favour of the application of its principles to this country. The boundless extent of unoccupied land in the United States—the absence of all remote historical recollections—of an ancient monarchy—a powerful aristocracy—an Established Church—the different distribution of property in the two countries, are all circumstances essentially varying the character of the institutions suitable to each country. We should do well to consider, before we consent to the condemnation of our own institutions, what are the dangers which menace States with ruin or decay. Compare our fate with that of other countries of Europe during the period of the last century and a half. Not one has been exempt from the miseries of foreign invasion,—scarcely one has preserved its independence inviolate. In how many have there been changes of the dynasty, or the severest conflicts between the several orders of the State? In this country we have had to encounter severe trials, and have encountered them with uniform success. Amid foreign wars, the shock of disputed successions, rebellion at home, extreme distress, the bitter contention of parties, the institutions of this country have stood uninjured. The ambition of military conquerors—of men endeared by success, to disciplined armies, never have endangered, and never could endanger the supremacy of the law, or master the control of public opinion. These were the powerful instruments that shattered with impunity the staff of Marlborough, and crumbled into dust the power of Wellington. Other States have fallen from the too great influence of a military spirit, and the absorption of power by standing armies. What is the character of the armies which our commanders led to victory? The most formidable engines that skill and valour could direct against a foreign enemy; but in peace, the pliant, submissive instruments of civil power. “Give us,” says the member for Waterford, “give us for the repression of outrage and insurrection the regular army, for the people respect it for its courage, and love it for its courteous forbearance, and patience, and ready subjection to the law.” And what, Sir, are the practical advantages which we are now promised, as

the consequence of the change we are invited to make,—as the compensation for the risk we must incur. Positively not one. Up to this hour, no one has pretended that we shall gain anything by the change, excepting, indeed, that we shall conciliate the public favour. Why, no doubt, you cannot propose to share your power with half a million of men without gaining some popularity—without purchasing by such a bribe some portion of good-will. But these are vulgar arts of government; others will outbid you, not now, but at no remote period—they will offer votes and power to a million of men, will quote your precedent for the concession, and will carry your principles to their legitimate and natural consequences. On all former occasions, some inducements were held out to us to embark on this perilous voyage. We used to be told that we should acquire new securities against ruinous wars; as if every war, according to the express admission of Mr. Fox, up to the time at which he was speaking, and every subsequent war, had not been the war of the people. We used to be told that great retrenchment, great reduction of taxes, must inevitably follow Reform; but we are told this no longer, since a reforming Government has found it necessary to increase the public expenditure in the very year in which they propose Reform. But Reform is necessary for the purpose of curtailing the influence of the Crown in this House. Some say, that through the influence of the Crown, others that through the influence of the aristocracy, bad Ministers are kept in office against the wishes and interests of the people; and that this is effected through the means of enormous patronage, and for the purpose of sharing in its spoils. The influence of the Crown, indeed! The power of the Peerage to maintain unpopular Ministers against the public opinion! And this is gravely said at the time when you have had five different Administrations in four years; five Prime Ministers in rapid succession, from Lord Liverpool to Lord Grey. I lament—deeply lament, the time which has been chosen for the introduction of this measure. It is brought forward at a period of great excitement; when men are scarcely sober judges of the course which it is fitting to pursue. This has been always the case with Reform; it has been uniformly brought forward, either at the times of domestic calamity, or

when the agitations of other States had infected us with extravagant and temporary enthusiasm for what was considered the cause of liberty. Look at the great periods of commercial or agricultural distress. You will almost invariably find Reform in Parliament proposed as the panacea for distress, and finding favour just so long as the distress has endured. If you find a debate on Parliamentary Reform, be assured that “some dire disaster follows close behind.” Look again at the political struggles in other States. They never have occurred without suggesting to us the necessity of Parliamentary Reform. In 1782, shortly after the great contest in North America; and the establishment of an independent and popular Government in the United States, Mr. Pitt brought forward the question of Parliamentary Reform. It remained dormant altogether from 1785 to 1790. The revolution in France had then commenced, and Mr. Flood, who brought forward the question in 1790, appealed to the example of France as a powerful reason for adopting Reform at home. He dwelt on the shame of England in being behind any other country in the race for liberty, and prophesied that France was about to establish a popular, and therefore a pacific government—abjuring all wars and all aggressions, because they were contrary to the interests of the people. We, fortunately, waited a short period, and found that his prophecies were not very accurately fulfilled. In 1820, Revolutions took place in Italy, in Spain, and in other parts of the Continent. In 1821, we had a motion for Reform; and the author of that motion, the present Lord Durham, then Mr. Lambton, hailed the events that had occurred on the Continent as the auspicious dawn of liberty abroad, and improvement here. He said, speaking of the force of public opinion—“Where its power and justice are acknowledged, as in Spain, the prospect is most cheering. We see disaffection instantaneously quelled, venerable and rotten abuses reformed—superstition eradicated—and the monarch and the people united under a Constitution which alike secures the privileges of the one, and the liberties of the other. May I not, then, consistently hail the rising of the star, in what was once the most gloomy portion of the European horizon, as a light to shew us the way through all our dangers and difficulties,

as a splendid memorial of the all-conquering power of public opinion?" Again we waited, and now I ask, was the star that appeared in Spain that steady light by which it was fitting that our steps should be guided? or was it the return of an eccentric comet, shedding "disastrous twilight," and "with fear of change perplexing monarchs?" We are arrived at 1831, and Reform is again proposed, whilst the events of the last year in Paris and Brussels are bewildering the judgment of many, and provoking a restless, unquiet disposition, unfit for the calm consideration of such a question. I, too, refer to the condition of France, and I hold up the late revolution in France, not as an example, but as a warning to this country. Granted that the resistance to authority was just; but look at the effects,—on the national prosperity, on industry, on individual happiness,—even of just resistance. Let us never be tempted to resign the well-tempered freedom which we enjoy, in the ridiculous pursuit of the wild liberty which France has established. What avails that liberty which has neither justice nor wisdom for its companions—which neither brings peace nor prosperity in its train? It was the duty of the King's Government to abstain from agitating this ques-

tion at such a period as the present—to abstain from the excitement throughout this land of that conflict—(God grant it may be only a moral conflict!)—which must arise between the possessors of existing privileges, and those to whom they are to be transferred. It was the duty of the Government to calm, not to stimulate, the fever of popular excitement. They have adopted a different course—they have sent through the land the firebrand of agitation, and no one can now recall it. Let us hope that there are limits to their powers of mischief. They have, like the giant enemy of the Philistines, lighted three hundred brands, and scattered through the country discord and dismay; but God forbid that they should, like him, have the power to concentrate in death all the energies that belong to life, and to signalize their own destruction by bowing to the earth the pillars of that sacred edifice, which contains within its walls, according even to their own admission, "the noblest society of freemen in the world."

When the right hon. Baronet resumed his seat, Mr. Gisborne moved the adjournment of the Debate, which was agreed to, and the adjournment ordered till the following day.

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